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United States
Circuit Court of Appeals
For the Ninth Circuit.

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

vs.

J. G. BOSWELL COMPANY and CORCORAN
TELEPHONE EXCHANGE,
Respondents.

Transcript of Record

In Seven Volumes

VOLUME VII

Pages 2945 to 3343

FILED

SEP 15 1942

PAUL P. O'BRIEN,
CLERK

Upon Petition for Enforcement of An Order of the
National Labor Relations Board

No. 10148

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After Recess

(Whereupon, the hearing in the above-entitled matter was resumed, pursuant to recess, at 2:00 o'clock p. m.)

Trial Examiner Lindsay: Hearing called to order.

The Reporter informs me that he did have the word "him" instead of "them."

Mr. Clark: Yes. I understand that, Mr. Lindsay, and so far as I am concerned that ends the matter. If I want to add anything to it, I will recall Mr. Botts.

However, in finishing my reading of yesterday's transcript during the noon hour, I ran across one other thing that I think might as well be corrected. That is at the top of page 2405.

There appears there this statement by me: "I want to point out this is a statement made to him—" referring to Mr. Louis Robinson—"by Mr. Prior with reference to the company facing an apparent unemployment situation," and it should read, as an examination of the transcript will show, "I want to point out this is a statement made by him to Mr. Prior with reference to the company facing an apparent unemployment situation."

It referred to Mr. Louie Robinson's—

Trial Examiner Lindsay (Interrupting): Yes, that is right. I remember that.

Mr. Clark (Continuing): —narrative of the conversa- [2503] tion.

May that change be made, Mr. Mouritsen?

Mr. Mouritsen: Yes.

Mr. Clark: In other words, the statement will now read, at line 1, page 2405, as follows: "I want to point out this is a statement made by him to Mr. prior with reference to the company facing an apparent unemployment situation."

Mr. Mouritsen: So stipulated.

Mr. Clark: Very well.

Now at this time, Mr. Examiner, we will offer in evidence on behalf of all respondents, a certified copy of the preliminary examination in the matter of the people of the State of California versus E. C. Powell, No. 1465, in the City Court of the City of Corcoran, County of Kings, State of California, had on February 18, 1938, before the Honorable W. I. Nonhof, Judge of the City Court, which document includes, in addition to the other matters which occurred at that time the complete testimony of B. H. Carden, the complete testimony of R. A. Springer, the complete testimony of E. C. Powell, and which is certified to by Mr. E. F. Pickerell, County Clerk and Ex Officio Clerk of the Superior Court of the County of Kings, this state, under date of June 2, 1939.

I would like to offer this in evidence as Boswell's next in order, to keep it in shape.

Mr. Mouritsen: No objection. [2504]

Trial Examiner Lindsay: Respondent Boswell's Exhibit 21 received.

(Thereupon the document above referred to was received in evidence and marked Respondent Boswell's Exhibit No. 21.)

BOSWELL'S EXHIBIT No. 21

In the City Court of the City of Corcoran, County of Kings, State of California

No. 1465

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

E. C. POWELL,

Defendant.

— PRELIMINARY EXAMINATION —

I n d e x

Complaint	2.
B. H. Carden	4.
R. E. Springer	9.
E. C. Powell	11.
Committing Order	14.
Reporter's Certificate	15.

Corcoran, California, February 18, 1938. 2 p. m.

Be It Remembered: That the above entitled matter came on regularly for hearing, in the above entitled court, on the above mentioned date, before

Boswell's Exhibit No. 21—(Cont.)

the Honorable W. I. Nonhof, Judge of the City Court.

That the People of the State of California were represented by the District Attorney of Kings County, Roger R. Walch, Esq.

That the defendant was present in court, not represented by counsel.

That M. Laurence Short, a shorthand writer, was appointed and sworn to act as Official Phonographic Reporter in the hearing of said matter.

That thereafter, the following proceedings were had and testimony given, to wit:

The Court: You are ready to proceed, are you?

The Defendant: Yes, sir.

The Court: I will read this complaint to you:

(Reading:)

"In the City Court of the City of Corcoran, County of Kings, State of California.

"The People of the State of California, plaintiff, vs. E. C. Powell, defendant. Complaint—Criminal.

"B. H. Carden of the City of Corcoran in the County of Kings, State of California, being first duly sworn, makes complaint and deposes and says, that in the City of Corcoran, County of Kings, State of California, on or about the 17th day of January, 1938, and before the filing of this complaint, the crime of felony, violation of Section 476a of the Penal Code was committed by E. C. Powell, as follows, to wit:

"The said E. C. Powell at the time aforesaid, and

Boswell's Exhibit No. 21—(Cont.)

within the City of Corcoran in the County of Kings and State aforesaid with intent then and there to cheat and defraud B. H. Carden and Farmers and Merchants Bank of Summerville, Georgia, a corporation, did willfully, unlawfully, fraudulently and feloniously make, draw, utter and deliver to the said B. H. Carden, a check and draft for the payment of money in the sum of Fifteen Dollars (\$15.00), drawn upon a bank, to wit, Farmers and Merchants Bank of Summerville, Georgia, a corporation, knowing at the time of such making, drawing, uttering and delivering that he had not sufficient funds in, or credit with, said bank to meet the said check and draft in full upon its presentation for payment, all of which is contrary to the statute in such cases made and provided, and against the peace and dignity of the people of the State of California.

“Said complainant therefore prays that a warrant may be issued for the arrest of said E. C. Powell and that he may be dealt with according to law.

B. H. Carden

“Subscribed and sworn to before me, this 10th day of February, 1938. W. I. Nonhof, Judge of the City Court of the City of Corcoran, State of California.”

I will inform you of your legal rights. You are entitled to a speedy and public trial, to be represented by counsel at all stages of the proceedings, to produce witnesses on your behalf and to be confronted by the witnesses against you in the presence

Boswell's Exhibit No. 21—(Cont.)

of the Court. You are entitled to bail and to a preliminary examination. You cannot plead in this court unless you are accompanied by your attorney; if, however, you are accompanied by your attorney you may, with the consent of the District Attorney and the magistrate, plead guilty to the charge at this time. Unless you plead guilty to the charge in this court it will be necessary for you to have your preliminary examination in this court and if the court finds that a public offense has been committed and there is sufficient cause to believe you guilty thereof you will be held to answer to the Superior Court. This court cannot appoint an attorney to represent you. In the Superior Court, if you desire the services of an attorney and are unable to employ one the court will appoint an attorney to represent you.

The defendant stated that he was ready to proceed with the case so we proceeded with it.

Mr. Walch: All right. You're ready to go right ahead with the preliminary examination now, are you, Mr. Powell? Is that the name?

Defendant Powell: Yes, sir.

Mr. Walch: You understand from what the court has told you what a preliminary examination is?

The Defendant: Yes.

Mr. Walch: It's a procedure that has to be followed. And you are ready to proceed with that now? Is that right?

The Defendant: Yes, sir.

Mr. Walch: Call Mr. B. H. Carden.

Boswell's Exhibit No. 21—(Cont.)

B. H. CARDEN

— called, sworn and examined as a witness,
testified as follows:

Direct Examination

Mr. Walch: Q. Your name is B. H. Carden?

A. Yes, sir.

Q. And you live here in Corcoran?

A. Yes, sir, I do.

Q. You are engaged in business in the City of
Corcoran? A. I am.

Q. And that business consists of a lunch room?

A. Yes, sir.

Q. And at that same place you sell liquors and
smoking paraphernalia, and so on?

A. Bar room.

Q. Are you acquainted with the defendant in
this action, E. C. Powell? A. I am.

Q. How long have you known him?

A. Oh, perhaps a year or a little longer.

Q. He trades with you, does he, in your place
of business? A. Yes, sir.

Q. Has he traded with you for sometime?

A. Yes, ever since we owned the business, first
of July.

Q. And have you ever received any checks from
this man prior to the one here in question?

A. I have.

Q. And had no trouble with them?

A. Well, he always came and took them up the

Boswell's Exhibit No. 21—(Cont.)

next day or a day or two after. I don't think he had any account. He always came and took the checks up. I never cashed one.

Q. You never have sent any back for presentation?

A. Well, from the bank here, he has.

Q. Oh, he has given you checks on the local bank of Corcoran?

A. Yes, and would come in the next day and take them up with cash.

Q. I see. Now, I will show you what purports to be a check which reads as follows: "Somerville, Georgia." Georgia being abbreviated, "January 17, 1938. Farmers and Merchants Bank. Pay to B. H. Carden or bearer, \$15.00." Down in the lefthand corner: "Counter check" marked out and in its place put "Farmers and Merchants Bank," abbreviated, "Summerville, Georgia," Georgia abbreviated. Signed "E. C. Powell," and ask you if you recognize that instrument. (Handing check to the witness.) A. Yes, sir. I cashed that.

Q. On the 17th day of January?

A. On or about that time, I think.

Q. Now, this has " '28." Should that be " '38", or——

A. Why, it should be '38, yes. I never noticed it being that.

Q. Was this check made out and delivered to you by the defendant, E. C. Powell?

Boswell's Exhibit No. 21—(Cont.)

A. Made it out right on the bar and where I cashed it.

Q. At your place of business?

A. At my place of business.

Q. And what did you give him for it?

A. \$15.00.

Q. In cash?

A. Three five dollar bills.

Q. I see. You don't know, I presume, what he used this money for? A. I think I do.

Q. What? A. Playing poker.

Q. He went back and played poker. In your place of business? A. Uh-huh.

Q. At the time he cashed it he hadn't lost that in a game, had he? A. How's that?

Q. At the time he cashed this check he hadn't lost this money in a game there, had he?

A. I couldn't tell you. He came up and asked me to cash another check. I had cashed one for sixty. A few days before that he brought it in there, made out on the same bank, with Mr. Hammond's signature on it and he asked me if I would cash it with his signature and I told him I would, we looked at it and recognized the signature so I cashed it.

Q. What happened to that?

A. It came back and Mr. Hammond made it good.

Q. I see. Now, this \$15.00 check——

A. It came back a few days later.

Boswell's Exhibit No. 21—(Cont.)

Q. I see. It was sent in for collection, came back?

A. It came back, and while it was gone in for collection Mr. Powell disappeared.

Q. You mean from the City of Corcoran?

A. From the City of Corcoran.

Q. And do you know where or how he was located?

A. I do not. I know I heard where but I don't know how.

Q. I see. Have you had any conversation with Mr. Powell concerning this check?

A. I did.

Q. What was that?

A. Well, I cashed that \$15.00 check and he went back in the card room and I told my son and the bartender, "If he comes up for any more personal checks to be cashed don't cash any more, because I think that one will come back." I says, "I cashed it on the strength of Hammond endorsing the \$60.00 one and he being from the same country, but I think it will come back." So it wasn't but a little while he came back and wanted me to cash another check and I said, "No, I have told the boys, we won't cash another personal check for you." I says, "We'll wait and see what these we have already cashed do."

Q. Now, at the time he gave you this check did he say to hold it?

A. No, he said it was good. He said that check

Boswell's Exhibit No. 21—(Cont.)

Hammond endorsed was good or he wouldn't have endorsed it, and this one is all right, so I cashed it. Then I made up my mind I wouldn't cash any more and I didn't.

Q. Have you talked with him any more since then?

A. I have not, not about checks. He was in a few times after that.

Q. I see. Now, this check was given to you, delivered to you in your place of business in the City of Corcoran.

A. It was.

Q. In the County of Kings, State of California?

A. It was.

Mr. Walch: I think that's all. Do you wish to ask him any questions?

The Defendant: No, sir.

The Court: No questions you would like to ask?

The Defendant: No.

Mr. Walch: That's all. Call Mr. Springer.

R. E. SPRINGER

called, sworn and examined as a witness, testified as follows:

Direct Examination

Mr. Walch: Q. Your full name, Bob?

A. R. E. Springer.

Q. And you're chief of Police of the City of Corcoran?

A. Yes, sir.

Q. Are you acquainted with the defendant in this action?

A. Yes, sir.

Boswell's Exhibit No. 21—(Cont.)

Q. How long have you known him?

A. About a year and a half.

Q. Has he worked in and about Corcoran for that period of time?

A. Yes, sir, he's worked for the Boswell Company.

Q. I see. Now, did you have occasion to take this man into custody upon this charge?

A. Yes, sir.

Q. Do you know where he was arrested under this warrant?

A. Yes, sir.

Q. Where?

A. San Bernardino, California.

Q. And your men went down and brought him back?

A. Yes, sir, Constable Dyer.

Q. Now, have you had any discussion with the defendant at all concerning the giving of this check or these checks?

A. Yes, sir, there was some discussion.

Q. Well, did he state as to whether or not—anything relative to the fact that at the time he gave these checks he did have an account at this Farmers and Merchants Bank back in Georgia, or that there was plenty of money in the bank to take care of them, any statements at all relating to that phase of the case?

A. He stated that he wanted to make the checks good, requested that he be given the opportunity to pay off the checks, and at the time they were issued

Boswell's Exhibit No. 21—(Cont.)

he had in mind of getting work when he could and making them good later on.

Q. I see. Substantially, that's all the conversation concerning that particular point?

A. Yes, that's about all with regard to the checks.

Mr. Walch: That's all. Any questions?

The Court: Any questions?

The Defendant: No.

Mr. Walch: No further witnesses for the prosecution.

The Court: Now, Mr. Powell, you have the right to give evidence in your own behalf if you desire; however, whatever testimony you may give may be used against you later on in the Superior Court by the District Attorney. Did you wish to testify at this time? Did you understand me all right?

The Defendant: Yes, sir, I understood.

The Court: Did you wish to testify at this time?

The Defendant: Well—(Defendant getting up and going to the witness stand)

Mr. Walch: Raise your right hand.

The Court: Just stand up, please.

E. C. POWELL

called, sworn and examined as a witness, testified as follows:

Direct Examination

Mr. Walch: Q. Your name is E. C. Powell?

A. Yes, sir.

Boswell's Exhibit No. 21—(Cont.)

Q. Where do you live, Mr. Powell?

A. I lived here about a year and a half.

Q. I see. Are you married?

A. Yes, sir.

Q. Where is your family?

A. Down in San Bernardino.

Q. Of what does your family consist?

A. Wife and two children.

Q. How old are the children?

A. Five and three.

Q. I see. When did you go to San Bernardino from Corcoran?

A. I went to San Bernardino from Los Angeles.

Q. Well, when did you leave Corcoran?

A. About six or eight weeks ago, or possibly two months. About six or eight weeks ago, I'd say, something in that neighborhood.

Q. Now, you know what the charge is?

A. Yes, sir.

Q. You received a copy of the complaint?

A. Yes, sir.

Q. You know Mr. Carden—you have heard his testimony, that on the 17th of January of this year you did cash a \$15.00 check on the Farmers and Merchants Bank of Summerville Georgia?

A. Yes, sir.

Q. And that he gave you three five dollar bills for that check? Now, is there anything about that transaction or concerning this check that you want to tell us?

Boswell's Exhibit No. 21—(Cont.)

A. I just would like to make a statement.

Q. All right, go ahead, make a statement in your own words.

A. I gave the checks with no intention of beating them, but intended to make them good as I have made others, and I had no intention of beating them. When I could find employment to make them good I intended to do it, and I hadn't been hid out or anything. I was under my same name and have given references here of employment of various nature.

Q. Now, let me ask you: When you gave this check you knew that you didn't have the money in that bank, didn't you?

A. I figured on making the checks good.

Q. That isn't what I mean. At the time you gave the check you knew you didn't have the money in that bank but you intended——

A. To meet it.

Q. ——to go out and get some money and take it up. Is that right?

A. I intended to meet it there from money that was owed me and promised me.

Q. Where was this money owed to you?

A. Back in the East, in Georgia.

Q. I see. But it wasn't in the bank at that time——

A. No, sir.

Q. Did you actually have an account back there or wasn't there just—or, didn't you have any account at all?

Boswell's Exhibit No. 21—(Cont.)

A. No, I didn't have any account at the time.

Q. The same thing is true of that sixty dollar check that Mr. Hammond put his name on?

A. His name, you say?

Q. I say, is that true of the Sixty dollar check, too, that was cashed by Mr. Carden on account of Mr. Hammond's—

A. Yes, sir, Mr. Hammond endorsed it.

Q. —indorsing it. Have you got any other checks at this time outstanding, do you know?

A. No, sir, none.

Q. None? A. None.

Q. Have you ever had a checking account at the local bank here in Corcoran? A. No, sir.

Mr. Walch: That's all. Anything else you want to say? A. No.

The Court: No other statements you would like to give on your behalf? A. No, sir.

Q. And you have no witnesses at this time to testify, have you? A. No, sir.

The Court: Anything further, Mr. Walch?

Mr. Walch: That's all. I ask he be held to answer. I'm not going to introduce the check at this time, your Honor.

The Court: It is the order of the court that the defendant be held to answer to the Superior Court.

In the City Court of the City of Corcoran, County of Kings, State of California. The People of the State of California, plaintiff, vs. E. C. Powell, defendant. It appearing to me that the offense of

Boswell's Exhibit No. 21—(Cont.)

felony, violation of Section 476a of the Penal Code of the State of California has been committed, and that there is sufficient cause to believe the within named E. C. Powell guilty, thereof, I order that he be held to answer to the same, and he is hereby committed to the sheriff of the County of Kings, and that he be admitted to bail in the sum of One Thousand and no/100 dollars, and be committed to the sheriff of the County of Kings until he gives such bail. Dated, February 18, 1938. W. I. Nonhof, Judge of the City Court.

I, M. Laurence Short, do hereby certify: That I am the Official Phonographic Reporter of the Superior Court of the State of California, in and for the County of Kings; that I was appointed and sworn to act as Official Phonographic Reporter in the hearing of the matter entitled as upon the first page hereof; that I reported in shorthand writing the proceedings had and testimony given in the hearing of said matter, that I thereafter caused the same to be reduced to typewriting under my supervision; that the foregoing and annexed pages, numbered from One to Fourteen, both inclusive, contain a full, true and correct statement of the proceedings had and testimony given in the hearing of said matter, and a full, true and complete transcript of my shorthand notes taken in the hearing thereof.

Dated: Feb. 24, 1938

M. LAURENCE SHORT

Official Reporter

Boswell's Exhibit No. 21—(Cont.)

State of California,
County of Kings—ss.

I, E. F. Pickerill, County Clerk, and ex-officio Clerk of the Superior Court in and for said County and State, do hereby certify the foregoing to be a full, true and correct copy of the original thereof on file in my office.

Witness my hand and Seal of said Superior Court, this 2nd day of June, 1939. E. F. Pickerill, County Clerk and Ex-Officio Clerk, of said Superior Court.

[Seal] By GEO. A. BECK
Deputy Clerk.

[Endorsed]: Filed 6/13/39.

Mr. Clark: Mr. Gordon Hammond, please.

GORDON L. HAMMOND,

called as a witness by and on behalf of the J. G. Boswell Company, having been first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Clark) Will you please state your name, Mr. Hammond.

A. Gordon L. Hammond.

Trial Examiner Lindsay: You will have to speak louder.

The Witness: Gordon L. Hammond.

(Testimony of Gordon L. Hammond.)

Q. (By Mr. Clark) Now will you please speak up, keep your voice up, so we can all hear, Mr. Hammond, because these fans interfere.

Where do you live, Mr. Hammond?

A. I live in Corcoran, the south edge of Corcoran. [2505]

Q. And what is your occupation, please?

A. Superintendent of the Boswell—the J. G. Boswell Company plant.

Q. And by the J. G. Boswell Company, do you refer to the Company which is one of the Respondents in this proceeding? A. Yes, I do.

Q. For how long have you been superintendent of the J. G. Boswell Company plant?

A. Fourteen years, a little over.

Q. And is that the plant here in Corcoran, Mr. Hammond? A. Yes, sir.

Trial Examiner Lindsay: You will have to talk a little louder.

Q. (By Mr. Clark) Now, you know Mr. Louie Robinson, of course, Mr. Hammond?

A. Yes, sir.

Q. And am I correct in stating that Mr. Louie Robinson is the general manager of the plant?

A. That is correct.

Q. And for how long, to your knowledge, has Mr. Robinson held that position?

A. Fourteen years.

Q. The same length of time as you have, is that right? A. That is right.

(Testimony of Gordon L. Hammond.)

Q. As you have held your position? [2506]

A. Yes, sir.

Q. Now, I want to show you some cards which have been marked Respondent Boswell's Exhibits 9-A, 9-B, 9-C and 9-D in this proceeding, each of which have on them the name "L. E. Ely."

Will you tell us, please, what those cards are?

A. (Examining documents) They are weekly time cards as made up for—we make the payroll up for each week.

Q. Well, are those the weekly time cards for Mr. L. E. Ely? A. That is right.

Q. All right.

Now, directing your attention, Mr. Hammond, to the card which is marked Respondent Boswell's Exhibit 9-A in the name of L. E. Ely, I will ask you whose initials are those which appear in the lower right-hand corner, namely the initials G. L. H., and after which is printed the word "Foreman?" A. That is mine.

Q. Those are yours? A. Yes, sir.

Q. Will you please speak up a little louder?

A. Yes.

Q. All right.

And will you please tell me in whose handwriting the balance of the card is? A. That is mine.

Q. Now, and that is true of the entire card, is it? [2507] A. That is right.

Mr. Mouritsen: Referring to which one?

Mr. Clark: Just 9-A now, Mr. Mouritsen.

(Testimony of Gordon L. Hammond.)

Q. Now, will you also tell us, Mr. Hammond, whether—withdraw that.

Directing your attention to the vertical columns which appear on this card, first, under the letter “S”, will you tell us what “S” means?

A. That is Saturday.

Q. That is Saturday? A. Yes.

Q. And how about the next column under the letter “S”? A. Sunday. [2508]

Q. And the next one under the letter “M”?

A. Monday.

Q. And then to the other columns headed by the letters “T,” “W,” “T,” and “F.” Monday, Tuesday, Wednesday, Thursday, and Friday, is that right? A. Yes.

Q. Now, directing your attention to the cross which appears under the first column headed with an S, will you tell us what that cross indicates?

A. No work that day.

Q. All right.

And was that cross made there by you?

A. It was.

Q. And when was it made there with respect to the Saturday indicated on this card?

A. That evening.

Q. The evening of the same day?

A. That is right.

Q. And is that true of all of the entries under these columns headed by symbols indicating the day of the week, namely, that you place the information there at the end of the work day?

(Testimony of Gordon L. Hammond.)

A. That is correct.

Q. All right.

Now, do you get that information, Mr. Hammond, of your [2509] own knowledge concerning employees? A. I do.

Q. All right.

Now, are the same facts true of all of these cards that I have directed your attention to with respect to the manner in which you keep them and what the symbols mean? A. It is.

Q. All right.

Now, is the card, then, marked Respondent Boswell's 9(a) the card for L. E. Ely for the work week ending Thursday, October 27, 1938?

A. It is.

Q. And am I correct in stating that your week ends, the work week ends, at the Boswell plant at Corcoran on Thursday of each week?

A. It does.

Q. So that the figures "October 27, 1938," indicate a Thursday, is that right?

A. That is right.

Q. Now, with respect to this particular card, I want to indicate—I want to direct your attention, rather, to the figure 12 which appears under the column headed with an M which you have told us is Monday, and first, am I correct in stating that this is the Monday preceding October 27th?

A. Yes, sir. [2510]

Q. All right.

(Testimony of Gordon L. Hammond.)

Q. What does the 12 indicate?

A. 12 hours of work.

Q. And can you tell us whether that was the first work done by Mr. Ely during the week ending October 27th?

A. It was.

Q. And——

Mr. Mouritsen (Interrupting): That might be a little confusing, Mr. Clark, in view of the fact that this only starts on Saturday instead of on Friday.

Mr. Clark: No, it starts on Friday.

Q. This Friday is picked up, isn't that right, Mr. Hammond?

A. That is correct.

Q. In other words, the column which is headed by an "F" indicates Friday, isn't that correct?

A. The first day of the week.

Q. And will you tell us whether that is a Friday preceding the Thursday upon which the week ends, or is it the Friday after the Thursday on which the week ends?

A. Preceding.

Q. Preceding.

So that your week starts with this last column headed with an "F", is that right?

A. That is correct.

Q. And now on this particular card, there is an "X" in that [2511] column which indicates no work was done, is that correct?

A. That is correct.

Q. And that is likewise true of the columns for Saturday and Sunday of that week?

(Testimony of Gordon L. Hammond.)

A. That is true.

Q. So that the first work done appears under the column for Monday, is that right?

A. That is right.

Q. And am I correct in stating that it is indicated on this card that 12 hours was worked by Mr. Ely on that day?

A. That is right.

Q. Can you tell us from this card what manner of work he did on the Monday preceding October 27th?

A. He helped the press; tie up cotton.

Q. And what basis have you for making that statement?

A. It indicates.

Q. In other words, the words "Help No. 4 Press," appear on the card; is that correct?

A. That is right.

Q. And can you tell us at what rate Mr. Ely was paid for that work as helper on No. 4 press?

A. 35 cents per hour.

Q. And how do you get that, Mr. Hammond? From the figure "35" under the column headed with the word "Rate" on this card?

A. I do. [2512]

Q. And from the further figures \$4.20 which appear opposite the figure "35", is that correct?

A. Yes, sir.

Q. Now, can you tell us what work Mr. Ely did on the next day, that is Tuesday of the week ending October 27th, 1938?

A. He tied out. There were two men working

(Testimony of Gordon L. Hammond.)

at the press. One ties out and weighs the bales, and the helper, he passes ties through to the man that is in front of the press box.

Q. Would you call the man that does the tying out a pressman? A. Yes, sir.

Q. All right.

And what does the record indicate that Mr. Ely did on the second day of his work during the week ending October 27th?

A. He was a pressman.

Q. He was a pressman.

And how many hours did he work on that day?

A. Twelve.

Q. And at what rate was he paid for that work?

A. 40 cents.

Q. 40 cents.

Mr. Mouritsen: Can we have how the card indicates he was a pressman?

Q. (By Mr. Clark) And will you please answer that for us? [2513]

A. The pressman was sick and off on that day. He was taking his place.

Q. How can you tell that from the record?

A. Well, I can't tell from the record, but I know the incidents.

Q. Well, what, Mr. Hammond—or why, rather, is the 12 hours which you tell us that Mr. L. E. Ely worked on Tuesday of that week in a column below that which indicates his work on the preceding day?

A. The card isn't quite complete. From making it out, I know. [2514]

(Testimony of Gordon L. Hammond.)

Q. You know what?

A. I know that is what happened, what he did.

Q. All right.

Now you are positive that he was paid at 35 cents an hour on the first day he worked during that week and that he worked as a helper, is that right?

A. Yes.

Q. And the rest of the week he was paid at the rate of 40 cents?

A. That is right.

Q. As shown by the card, is that right?

A. Yes.

Q. Is it your statement that during the rest of the week he was working as a press man, tying up?

A. Yes.

Q. Very well.

Now we will offer this card in evidence, Mr. Examiner, as Respondent Boswell's Exhibit 9(a).

Mr. Mouritsen: No objection.

Trial Examiner Lindsay: 9(a) is received in evidence.

(Thereupon the document above referred to was received in evidence and marked Respondent Boswell's Exhibit No. 9(a).)

(Testimony of Gordon L. Hammond.)

RESPONDENT'S EXHIBIT 9-A

J. G. BOSWELL COMPANY

Employee's

Week

Name	L. E. Ely	No.		Ending 10/27/1938							
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount
	Help No. 4 Press	x	x	12	x	x		x	12	35	4.20
Ginning					12	12	12		36	40	14.40
Oil Mill											
Card											
Load Cotton											
Cattle Feeding											
Hay Cutting											
											18.60
	CK. No.	Total									

CK. No.

Total

Approved

Weekly Time Card

/s/

G. L. H., Foreman

[Endorsed]: Filed 6/13/39.

Mr. Clark: All right.

Q. Now, let me direct your attention to Respondent Boswell's Exhibit 9(b), which is a similar card for the following week, [2515] that is, the week ending November 3, 1938, and I will ask you whether or not, Mr. Hammond, you can tell from this card how long, if ever, Mr. L. E. Ely continued to work as a pressman at the rate of 40 cents an hour? A. Until Tuesday night.

Q. All right. That is until Tuesday night of the week ending on Thursday, November 3, 1938, is that right? A. That is right.

(Testimony of Gordon L. Hammond.)

Q. And does the card show that he was paid at 40 cents for that work? A. It does.

Q. All right.

And then does the card show what happened to him?

A. Went back as a press helper on Thursday.

Q. And is there any information on this card which enables you to make that statement?

A. Yes, sir.

Q. Will you please state what that information is? A. Help press.

Q. You mean the words "help press"?

A. Yes.

Trial Examiner Lindsay: You will have to speak up. I can only get about half of it and I am sitting right next to him.

Mr. Clark: Speak up louder and take your time on it. [2516]

We will go back over that.

Q. You refer to the words "help press" which appear in the horizontal column under that which is indicated by the word "press," is that right? Is that true? A. That is true.

Q. Both of those descriptions being in pencil and not any portion of the printed—not any part of the printed portion of the card, is that right?

A. Yes, that is true.

Q. Now, can you tell us then when it was—withdraw that.

Can you tell us then from this card what Mr.

(Testimony of Gordon L. Hammond.)

Ely did or what job he worked at after he ceased being a press man?

A. He was a press helper.

Q. And when did he start work at that?

A. On Thursday morning. [2517]

Q. All right.

In other words the card shows, does it, Mr. Hammond, that Mr. L. E. Ely worked, continued to work as a pressman at 40 cents an hour to and including Tuesday of the week ending on Thursday, November 3rd, 1938, is that right?

A. That is right.

Q. And then that no work was done by Mr. Ely on Wednesday? A. That is right.

Q. And that on Thursday, November 3rd, 1938, he resumed work as a press helper? A. Yes.

Q. Is that true? A. That is true.

Q. What was the rate he was paid for that work? A. 35 cents.

Q. Very well.

We will offer the card just identified by the witness in evidence as Respondent Boswell's Exhibit 9-B.

Mr. Mouritsen: Could we have one question before that is ruled on?

Mr. Clark: Yes, sir.

Mr. Mouritsen: Mr. Hammond, what does the cross in Thursday's column of Boswell's 9-B for identification mean, above the number "11?"

The Witness: That shows he didn't work at the

(Testimony of Gordon L. Hammond.)

press, that [2518] he wasn't a pressman on Thursday, but was a press helper.

Q. For eleven hours, is that right?

A. That is right.

Mr. Mouritsen: No objection.

Q. (By Mr. Clark) And that eleven hours is what he was paid 35 cents for? A. Yes.

Trial Examiner Lindsay: 9-B received in evidence.

Mr. Clark: Very well.

(Thereupon, the document above referred to was received in evidence and marked as Respondent Boswell Company's Exhibit No. 9-B.)

RESPONDENT'S EXHIBIT 9-B

J. G. BOSWELL COMPANY

Employee's		Week									
Name	L. E. Ely	No.		Ending 11/3/1938							
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount
Press	Help Press	12	x	12	12	x	x	12	48	40	19.20
Ginning							11		11	35	3.85
Oil Mill											
Yard											
Load Cotton											
Cattle Feeding											
Hay Cutting											

CK. No. Total

2305

Approved

Weekly Time Card

/s/ G. L. H., Foreman

[Endorsed]: Filed 6/13/39.

(Testimony of Gordon L. Hammond.)

Q. (By Mr. Clark) Now, I will next direct your attention to the card which has been marked Respondent Boswell's Exhibit 9-C for identification, being that dated November 10th, 1938, and I will ask you whether or not this is Mr. L. E. Ely's time card for the next week, that is, that ending on Thursday, November 10th, 1938?

A. Yes, it is.

Q. And are the same facts true of this card as are true of the other two cards I have shown you with regard to the manner in which you kept the records shown on it?

A. It is.

Q. All right.

Can you tell us what this card shows, so far as the job at [2519] which Mr. L. E. Ely worked and the rate at which he was paid?

A. Press helper, 35 cents per hour.

Q. All right.

It shows, does it not, that he worked on the Friday preceding Thursday, November 10th, 1938, for the period of 12 hours; on Saturday for 12 hours; on Sunday no time was put in; on Monday 12 hours, Tuesday 12 hours, Wednesday 12 hours and Thursday, November 10th, 1938, 12 hours, as a press helper?

A. That is right.

Q. And he was paid for that at the rate of 35 cents per hour?

A. That is true.

Mr. Clark: We will offer it in evidence, Mr. Examiner, as Respondent Boswell's Exhibit 9-C.

Mr. Mouritsen: No objection.

Trial Examiner Lindsay: 9-C received.

(Testimony of Gordon L. Hammond.)

(Thereupon, the document above referred to was received in evidence and marked as Respondent Boswell Company's Exhibit No. 9-C.)

RESPONDENT'S EXHIBIT 9-C

J. G. BOSWELL COMPANY

Employee's		Week										
Name	L. E. Ely	No.							Ending 11/10/1938			
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount	
Ginning	Press hlpr	12	x	12	12	12	12	12	72	35	25.20	
Oil Mill												
Yard												
Load Cotton												
Cattle Feeding												
Hay Cutting												
	CK. No.	Total										
		Approved										
Weekly Time Card		/s/ G. L. H., Foreman										

[Endorsed]: Filed 6/13/39.

Q. (By Mr. Clark) And lastly, Mr. Hammond, I show you the time card for Mr. Ely which has been marked Respondent Boswell's Exhibit 9-D, and I will ask you whether the same facts are true with respect to this card and the manner in which you kept it as are true of the preceding three cards I have shown you? A. It is. [2520]

Q. All right.

Now, directing your attention to Respondent Boswell's Exhibit 9-D, I will ask you what this card

(Testimony of Gordon L. Hammond.)

indicates, so far as the job at which Mr. Ely, Mr. L. E. Ely worked, and the rate at which he was paid is concerned? A. He was a press helper.

Q. On what days, please?

A. Friday, Saturday, Monday, Tuesday and Wednesday.

Q. All right.

He was press helper on Friday prior to November 17th, 1938, and worked 12 hours, is that right?

A. That is right.

Q. And he had the same job and worked the same length of time on Saturday, is that right?

A. That is right.

Q. Did no work on Sunday? A. Yes.

Q. Oh. Then on Sunday he worked 10 hours loading cotton? A. That is right.

Q. And on Monday he worked 11 hours as a press helper? A. That is right.

Q. On Tuesday, 10 hours?

A. That is right.

Q. As press helper?

On Wednesday 10 hours as a press helper; right? [2521] A. That is right.

Q. And on Thursday, November 17th, no hours?

A. Two hours. He didn't work. That is the morning he came down and went to the doctor, and when he came back from the doctor's office, he said the doctor asked him to not work. He didn't actually work those two hours, but they gave him the two hours for being on duty.

(Testimony of Gordon L. Hammond.)

Q. All right.

Now, you are stating that from your independent recollection, Mr. Hammone? A. Yes.

Q. So that, if I understand you correctly then, Mr. L. E. Ely did not work at any job at the Boswell plant at Corcoran on the Wednesday preceding November 17th, which would be November 16th?

A. That is right.

Q. But you credited him for the two hours he was at the plant?

A. Yes. He went to the doctor's and then returned, and after he returned, why, he didn't work any more.

Q. All right.

Then he didn't work on Thursday?

A. No, he did not.

Q. And what was the rate at which he was paid during that entire week? A. 35 cents. [2522]

Mr. Clark: Very well. We will offer this card in evidence, Mr. Examiner, as Respondent Boswell's Exhibit 9-D.

Mr. Mouritsen: No objection.

Trial Examiner Lindsay: 9-D received.

(Thereupon, the document above referred to was received in evidence and marked as Respondent Boswell Company's Exhibit No. 9-D.)

(Testimony of Gordon L. Hammond.)

RESPONDENT'S EXHIBIT 9-D

J. G. BOSWELL COMPANY

Employee's Name	L. E. Ely	No.	Week Ending 11/17/1938											
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount			
Ginning	press hlpr	12		11	10	2	x	12	47	35	16.45			
Oil Mill														
Yard														
Load Cotton	✓	10							10		3.50			
Cattle Feeding														
Hay Cutting														
CK. No. Total											19.95			
Approved														
Weekly Time Card /s/ G. L. H., Foreman														

[Endorsed]: Filed 6/13/39.

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.)

Mr. Clark: I will ask at this time, Mr. Examiner, that the following cards be marked for identification as Respondent Boswell's Exhibits next in order.

(Thereupon, the documents above referred to were marked as Respondent Boswell Company's Exhibit Nos. 22-A to 22-G, inclusive, respectively, for identification.)

Q. (By Mr. Clark) Mr. Hammond, I will hand

(Testimony of Gordon L. Hammond.)

you the seven cards which are purportedly time cards for Mr. Stephen Griffin, designated on some of them as "S. J. Griffin," and I will ask you to examine them and tell us whether or not the same facts are true of those cards with respect to the handwriting they are kept in, and the manner in which they are kept, as you have testified to concerning the other cards just admitted as Respondent Boswell's Exhibits 9-A to D inclusive?

A. (Examining documents) Yes, they are.

Q. All right. [2523]

In other words, all of these cards were kept by you currently in your own handwriting, is that right?

A. That is right.

Q. And from your direct knowledge concerning Mr. Griffin's activities for the Company at that time, is that right?

A. That is right.

Mr. Clark: Now, we will offer them in evidence, Mr. Examiner.

Mr. Mouritsen: No objection.

Mr. Clark: I ask that they be marked the same Exhibit numbers.

Trial Examiner Lindsay: Yes.

Mr. Mouritsen: No objection.

Trial Examiner Lindsay: Boswell's Exhibits 22-A to G, both inclusive, are received in evidence.

(Thereupon, the documents above referred to were received in evidence and marked as Respondent Boswell Company's Exhibits Nos. 22-A to 22-G inclusive, respectively.) [2524]

(Testimony of Gordon L. Hammond.)

RESPONDENT'S EXHIBIT 22-A

J. G. BOSWELL COMPANY

Employee's		Week									
Name	Steve Griffin	No.				Ending 8/5/1938					
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount
Ginning											
Oil Mill											
Card											
Load Cotton											
Cattle Feeding	✓	x	x	8	6	x	x	x	14	35	4.90
Hay Cutting		x	x	6	5	x	x	x	11		3.85
CK. No. 1172 Total											8.75
											.18
											8.57

Approved

Weekly Time Card

/s/ G. L. H., Foreman

RESPONDENT'S EXHIBIT 22-B

J. G. BOSWELL COMPANY

8 a. m.											
Employee's		Week									
Name	S. J. Griffin	No.				Ending 10/13/1938					
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount
Ginning	Cotton house								10	10	4.00
Oil Mill											
Card	Clean up	x	x	x	x	4		x	4		1.60
Load Cotton											
Cattle Feeding											
Hay Cutting											
Haul Planting Seed		x	x	x	x	6	6	x	12		4.80
Social Security No. 559-05-4991											
CK. No. Total											10.40

Approved

Weekly Time Card

/s/ G. L. H., Foreman

(Testimony of Gordon L. Hammond.)

RESPONDENT'S EXHIBIT 22-C

J. G. BOSWELL COMPANY

Employee's		Week											
Name	S. J. Griffin	No.				Ending 10/20/1938							
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount		
Ginning	Cotton house	5							5	40	2.00		
Oil Mill													
Card	Clean up			4	11		4		19		7.60		
Load Cotton	✓		4	4		12	4		24		9.60		
Cattle Feeding													
Hay Cutting													
Haul Planting Seed		6	4	4			6	6	26		10.40		
											<hr/>		
											29.60		
Material											1.90		
											<hr/>		
CK. No.	Total										27.10		

Approved

Weekly Time Card /s/ G. L. H., Foreman

RESPONDENT'S EXHIBIT 22-D

J. G. BOSWELL COMPANY

Employee's		Week											
Name	S. J. Griffin	No.				Ending 10/27/1938							
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount		
Ginning	help c house			6					6	40	2.40		
Oil Mill													
Yard	Cleanup	3						4	7		2.80		
Load Cotton	✓		9						9		3.60		
Cattle Feeding													
Hay Cutting													
Haul Planting Seed		9		6	12	12	12	7	58		23.20		
											<hr/>		
											32.00		
Less on ac.											5.00		
											<hr/>		
CK. No.		Total									27.00		
Approved													
Weekly Time Card		/s/ G. L. H., Foreman											

Approved

Weekly Time Card /s/ G. L. H., Foreman

(Testimony of Gordon L. Hammond.)

RESPONDENT'S EXHIBIT 22-E

J. G. BOSWELL COMPANY

Employee's					Week								
Name		S. J. Griffin		No.		Ending 11/3/1938							
Job Name or No.	Kind of Work Done			S	S	M	T	W	T	F	Hrs.	Rate	Amount
Ginning	C house						2	3	2		7	40	2.80
Oil Mill													
Yard													
Load Cotton	✓					6		2	2		10		4.00
Cattle Feeding													
Hay Cutting													
Haul Planting Seed				12	1	6	6		8	12	45		18.00
Do not hold out this week													

CK. No.	Total	24.80
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Approved

Weekly Time Card /s/ G. L. H., Foreman

RESPONDENT'S EXHIBIT 22-F

J. G. BOSWELL COMPANY

Employee's		Week										
Name	S. J. Griffin	No.	Ending 11/10/1938									
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount	
Ginning												
Oil Mill												
Yard												
Load Cotton	✓		3						3	40	1.20	
Cattle Feeding												
Hay Cutting												
Haul Planting Seed		12	2	12	12	12	12	12	74		29.60	
Less for 10 gal. Gas											1.65	
Less on ac.											5.00	

CK. No.	Total	22.95
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Approved

Weekly Time Card /s/ G. L. H., Foreman

(Testimony of Gordon L. Hammond.)

RESPONDENT'S EXHIBIT 22-G

J. G. BOSWELL COMPANY

Employee's		Week											
Name	S. J. Griffin	No.				Ending 11/17/1938							
Job Name or No.	Kind of Work Done	S	S	M	T	W	T	F	Hrs.	Rate	Amount		
Ginning													
Oil Mill													
Yard	Clean up	2	4	3					9	40	3.60		
Load Cotton	✓							6	6		2.40		
Cattle Feeding													
Hay Cutting													
Haul Planting Seed		10		8	10	10	10	6	54		21.60		
No take out this week													
CK. No.		Total										27.60	
Approved													
Weekly Time Card		/s/ G. L. H., Foreman											

Q. (By Mr. Clark) Now, Mr. Hammond, let me ask you whether or not in the case of Mr. Steve Griffin, for instance, a time card similar to that which has been marked Respondent Boswell's Exhibit 22(a) is kept each week that he works for the company? A. It is.

Q. In other words, am I correct in stating—withdraw that.

In the case of Mr. Griffin, did he do any work for the Boswell Company during the year 1938 for which a time card was not kept?

A. No, he did not.

Q. Very well.

Now, have you examined the time cards kept for Mr. Griffin during the year 1938 prior to your taking the witness stand this afternoon?

(Testimony of Gordon L. Hammond.)

A. I have.

Q. I am talking about all the cards.

A. I have.

Q. And will you please tell us whether or not you found any card for Mr. Griffin prior to that which is marked Respondent Boswell's Exhibit 22(a), being the card for the week ending August 5, 1938?

A. No, I did not.

Q. All right.

Can you therefore tell us, Mr. Hammond, whether or not [2525] Steve Griffin did any work whatsoever for the Boswell Company at the plant here in Corcoran prior to that indicated on his card for the week ending August 5, 1938, being Respondent Boswell's Exhibit 22(a)?

A. No, he did not.

Q. All right.

You are positive of that? A. I am.

Q. Now, would you tell us what work Mr. Griffin did for the company during that week, that is, August 5, of 1938?

A. He fed cattle part of two days and helped cut hay part of two days.

Q. All right.

Now, is that answer there, that he fed cattle——

Trial Examiner Lindsay (Interrupting): He has got it.

Mr. Clark: Just so we are sure about that.

Q. The days that you refer to are what days, please?

A. Monday and Tuesday.

(Testimony of Gordon L. Hammond.)

Q. On Monday and Tuesday for the week ending August 5, 1938, he fed cattle part of the time, is that right? A. Part of two days.

Q. And what rate was he paid for that?

A. 35 cents.

Q. Per what? A. Per hour. [2526]

Q. All right.

And then what other work did he do during the week? A. He helped cut hay.

Q. What dates did he do that on?

A. The same days.

Q. Namely on Monday and Tuesday of the week ending August 5, 1938? A. That is right.

Q. And that being the week ending Thursday, August 5, 1938, is that right?

A. That is right.

Q. How much was he paid for that?

A. 35 cents per hour.

Q. All right.

Now, will you please tell us, Mr. Hammond, whether Steve Griffin did any further work whatsoever for the Boswell Company prior to the week ending October 13, 1938, and by that I mean, of course, work here at the plant that you would have supervision of. A. No, he did not.

Q. All right.

Did you find any time card for him at all for the period between the week ending August 5, 1938, and the week ending October 13, 1938?

A. No, I did not. [2527]

(Testimony of Gordon L. Hammond.)

Q. All right.

Now I show you Respondent Boswell's Exhibit 22(b), which is Mr. Griffin's time card for the week ending Thursday, October 13, 1938, and I will ask you if that indicates the next work that he did for the company after that in early August of that year? A. It does.

Q. Now, can you tell us what work he did and on what days he worked during that week?

A. He helped haul planting seed part of the day of Wednesday.

Q. Well, would you mind if I make this suggestion——

Trial Examiner Lindsay (Interrupting): Let him describe the cards.

Mr. Clark: Very well.

The Witness: He helped haul planting seed part of the day on Wednesday, November 11th, and he did some cleaning up the balance of the day.

On Thursday, November 12, he helped unload cotton in the cotton house, or helped feed the suction out of the cotton house in one of the gins.

Mr. Mouritsen: What is that date?

Mr. Clark: Yes.

Q. Let me direct your attention to the fact that this is a card for the week ending October 13th. Now will you please [2528] repeat for us what work Mr. Griffin did during that week?

A. It would be the 12th and the 13th.

(Testimony of Gordon L. Hammond.)

Q. Which is the week ending Thursday, October 13th?

A. The 12th and 13th he worked.

Q. All right.

A. Instead of the 11th and 12th.

Q. All right.

Will you please give us the days and what he did.

A. He helped haul planting seed into the seed house to be stored part of the day on October 12th.

Q. Which is a Wednesday, is that right?

A. That is right.

Q. All right.

A. And the balance of the day he did some cleaning up; could be in the yard or it could have been in some of the buildings, cotton house or gin building.

Q. All right.

A. On October 13th he either unloaded cotton from the wagons into the cotton house or helped feed the suction that supplied the gin from the cotton house.

Q. All right.

Now, before we leave this card, Mr. Hammond, I want to ask you this: I will direct your attention to the fact that on Mr. Griffin's card for the week ending October 13, 1938, being Respondent Boswell's Exhibit 22(b) appear the words, [2529] underneath all other data on the card, "Social Security No. 559-05-4991."

(Testimony of Gordon L. Hammond.)

Now, does the fact that those words appear on this card indicate anything to you? A. Yes.

Q. Please state whether it does or not, first.

A. Yes.

Trial Examiner Lindsay: He said it does.

The Witness: Yes.

Mr. Clark: All right.

Q. What, please?

A. I asked him if he had a Social Security number with us the morning he went to work.

Q. Does the fact that the Social Security number appears on the card indicate that it was in this week upon which Mr. Griffin first went to work regularly for the company for any period of time?

A. Well, yes.

Q. Well now, let us have an explanation if you have one as to that.

A. Well, he worked in August there and I didn't ask for it. If I did, I put it on a piece of paper and turned it into the office on a piece of paper. I don't remember.

Q. All right.

Well, let us have—what is that? [2530]

Trial Examiner Lindsay: Now, Mr. Clark, just let this gentleman answer the questions on the card.

Mr. Clark: Very well.

Q. Let us have anything, Mr. Hammond, that you have to say concerning the reason for Mr. Griffin's Social Security number being placed upon

(Testimony of Gordon L. Hammond.)

this card which is the one for the week ending October 13, 1938.

Mr. Mouritsen: I will object on the ground it is already asked and answered.

Mr. Clark: I will submit that if he has any further explanation.

Trial Examiner Lindsay: If he has, all right, he may give it.

The Witness: I don't believe I have.

Mr. Clark: Very well.

Q. Now, Mr. Hammond, directing your attention to Respondent Boswell's Exhibit 22(a) which is the card for the week ending August 5, 1938, that is Mr. Griffin's card, and Respondent Boswell's Exhibit 22(b) which is Mr. Griffin's card for the week ending October 13, 1938, I will ask you whether Mr. Steve Griffin did any work for the Boswell Company at the Corcoran plant between August 3, 1938, and Wednesday, October 12, 1938? A. No, he did not.

Q. Now, directing your attention to the last of the seven [2531] Griffin cards, being Respondent Boswell's Exhibit 22(g) for the week ending November 17, 1938, I will ask you if you can tell from that card, Mr. Hammond, when the last day was that Mr. Griffin worked.

A. On November 17th.

Q. That would be on Thursday, November 17th?

A. Yes.

Q. And have you any other time cards for him for the year 1938? A. No, I haven't.

(Testimony of Gordon L. Hammond.)

Q. And, of course, you have no other further time cards for him up to the present time, have you?

A. No.

Q. All right.

Now, will you please tell us what job Mr. Griffin was occupied with during that last week?

A. (Examining document.)

Q. Well, I think I can shorten it this way: Can you tell us from this card whether, during that last week, Mr. Griffin was put during any of the time at simply cleaning up around the building?

A. He was.

Q. And during the rest of the time was he engaged in merely hauling planting seed?

A. And loading cotton. [2532]

Q. And loading cotton.

And for how long did he load cotton?

A. Six hours.

Q. Six hours that entire week, is that right?

A. That is right.

Mr. Clark: That is all on that.

Those are all in evidence?

Trial Examiner Lindsay: Yes.

Mr. Clark: Now, Mr. Examiner, with respect to the next phase of Mr. Hammond's examination, Mr. Wingrove will handle it.

Trial Examiner Lindsay: Would you like to move over there, Mr. Wingrove?

Mr. Wingrove: It might be a little better.

Q. Mr. Hammond, you testified that you are the

(Testimony of Gordon L. Hammond.)

superintendent of the plant at the J. G. Boswell Company at Corcoran.

Will you kindly describe what the plant consists of, that is, with regard to the number of gins and oil mills and the operation generally of the plant?

A. Well, there are six gins, one oil mill, one machine shop, one backsmith shop, and a garage, and a mixed feed plant.

Mr. Mouritsen: What was the last?

Trial Examiner Lindsay: I didn't get it.

The Witness: And a mixed feed plant. [2533]

Q. (By Mr. Wingrove): Mixed feed plant?

A. Yes.

Q. Is that part of the mill?

A. It is part of the operation at the plant.

Q. Are these six gins numbered? A. Yes.

Q. How are they numbered? Consecutively or otherwise?

A. Yes, one to six included.

Q. During the year 1937 did all six gins operate at any time during the year? A. They did.

Q. And when did they commence operations in the fall, if that was when they operated?

A. Oh, about September 20, 1937.

Q. And how many shifts were being worked at that time?

A. Right off the first day I couldn't say, but in less than a week's time they were all operating.

Q. How many shifts? A. Two shifts.

Q. And what do you mean "two shifts"?

(Testimony of Gordon L. Hammond.)

A. Well, each gin would have two 12-hour shifts.

Q. That worked steadily 24 hours a day, is that correct? A. That is correct.

Q. Now, how long did all six gins operate in the fall of 1937? [2534]

Mr. Mouritsen: I will object to it as immaterial, too remote.

Trial Examiner Lindsay: He may answer.

The Witness: Some time around the middle of December, 1937.

Q. (By Mr. Wingrove): And then were part of the gins shut down? A. They were.

Q. How many were shut down? A. Two.

Q. And then that left four gins operating.

Now, how long did these four gins continue to operate?

A. Up until some time in the middle of January, I believe, it was.

Q. And then were the number of gins reduced still further? A. They were.

Q. And how much were they reduced?

A. We operated two for a while longer.

Q. How long did you operate the two? Throughout the remainder of the season?

A. No, for two or three weeks.

Q. And then——

A. (Interrupting): Then we operated one.

Q. Then you operated one through the remainder of the season. [2535]

(Testimony of Gordon L. Hammond.)

When did the 1937-1938 ginning season end?

Mr. Mouritsen: I object to the question. It is a compound question to which the witness cannot make an assent without agreeing to two questions in one.

Trial Examiner Lindsay: Yes. One question hasn't been answered.

Mr. Wingrove: He put it down from two to one, he said.

Trial Examiner Lindsay: Yes, he did.

Mr. Mouritsen: May we have it read?

Mr. Wingrove: I am sorry. Maybe I was thinking ahead with the answer.

Trial Examiner Lindsay: Now, will you keep your voice up? You are used to talking around machinery and I am sure you must talk louder out there.

The Witness: You must realize I am a poor talker.

Trial Examiner Lindsay: Talk right up.

Will you please read that last question back that is not answered? It is a statement, rather, by Mr. Wingrove. [2536]

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove): Is that right, Mr. Hammond? A. That is right.

Q. And when did the 1937-1938 ginning season end?

A. Sometime in the latter part of February, 1938.

(Testimony of Gordon L. Hammond.)

Q. Now, how many gins were operated—placed in operation in the 1938-39 season?

Mr. Mouritsen: May we have that season defined, Mr. Examiner? It is—I will object to it on the ground it is vague and indefinite.

Trial Examiner Lindsay: Yes.

Q. (By Mr. Wingrove): When did the 1938-39 cotton ginning season commence, Mr. Hammond?

A. On September 30th, 1938.

Q. Is that the time that the cotton began to come into the field to be brought in for ginning?

A. That is right.

Q. Now, how many gins were started in September of 1938? A. One.

Q. Were any more gins placed in operation later? A. Yes.

Q. In the fall.

Can you tell me the dates the gins started in the fall of 1938? [2537]

A. I believe——

Q. (Interrupting): If you have any memorandum, you may refresh your recollection on that.

Mr. Mouritsen: Could I examine the memorandum to which the witness is referring?

The Witness (Examining document): Number 3 gin started on October 1st in 1938.

Trial Examiner Lindsay: I would like to know just one thing: Where these memorandums come from, and so on and so forth.

Mr. Wingrove: Yes. I will ask the question.

(Testimony of Gordon L. Hammond.)

Q. Mr. Hammond, where did you obtain the memorandum which you are now referring to?

A. I got them off the records in the gin operation.

Q. Off the records in the office at the Boswell plant? A. Yes.

Q. And did you prepare or obtain this information from the records yourself? A. I did.

Q. Then did you have it typed up in the office of the Company? A. I did.

Mr. Wingrove: Does that answer your question, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Wingrove): And in addition to that you were present—were you at the plant during the entire ginning season of 1938— [2538] 1939, Mr. Hammond.

A. Very nearly all of the time, yes.

Mr. Mouritsen: May we have the witness's recollection exhausted before he is permitted to refer to the memorandum?

Mr. Wingrove: Very well, but I think he is entitled to refer to the memorandum. I would like to have this information as accurate as we can, and not guess-work.

Mr. Mouritsen: I suggest that we obtain the original records. The purpose is that we have absolute accuracy.

Mr. Wingrove: I will ask him the question.

Q. Mr. Hammond, you testified that one gin started about September 30th, 1938?

(Testimony of Gordon L. Hammond.)

A. That is true.

Q. About a week later, another gin was opened?

A. Two or three days.

Q. Two or three days later? A. Yes.

Q. And after that, how long was it before you opened another gin, if you did open another one?

A. About two days.

Q. And did you open any more gins after that?

A. No. The two started on the same day.

Q. Two started on which date, Mr. Hammond?

A. On December 3rd, I believe it was.

Q. The two started about December 3rd? [2539]

A. I mean October——

Mr. Mouritsen (Interrupting): Mr. Wingrove, could I suggest—if we take a recess, we can probably get together about this information, and probably stipulate as to a lot of it. It will take two or three hours to get it in this way, and I think we will satisfy ourselves.

Mr. Clark: I suggest that is the way to do it, Mr. Examiner, and as I understand it—and I would like the witness to state in the record if it is true—as I understand it, the dates that appear on this memorandum, Mr. Hammond, to which you are testifying, are taken from original records at the Boswell plant, is that true?

Trial Examiner Lindsay: That is already in the record.

Mr. Clark: I want to know if it is or not.

Trial Examiner Lindsay: It surely is. The question was asked.

(Testimony of Gordon L. Hammond.)

Mr. Clark: Very well.

Trial Examiner Lindsay: You gentlemen can get together about it. We will have a recess.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Wingrove: Mr. Examiner, during the recess it is agreed between Mr. Mouritsen of counsel for the Board and myself that we will stipulate to what may be termed statistical [2540] data with regard to the operations of the Boswell plant at Corcoran for the years 1937 and 1938, and as I go along I will ask the witness to explain certain of the facts which we are going to stipulate to. [2541]

Mr. Mouritsen, may it be stipulated that the total number of employees in the Corcoran plant of the J. G. Boswell Company, exclusive of office help, who were on the payroll for the week ending October 28, 1937, was 189?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: And that the total number of employees in the Corcoran plant, exclusive of office help, who were on the payroll for the week ending November 18, 1937, was 183?

Mr. Mouritsen: So stipulated.

Q. (By Mr. Wingrove): Mr. Hammond, when is the peak of the season with respect to the number of men employed each year?

A. Between October 15 and November 15.

(Testimony of Gordon L. Hammond.)

Q. Do these figures which are stipulated to as to the number of men employed in the plant represent approximately the peak of the number of men carried on the payroll in these two seasons?

A. Yes, it does.

Mr. Mouritsen: These indicate, these figures in each instance, indicate the average number of men for that week only?

The Witness: That is the total that was on the payroll that week, the total number. There are certain days as the number that were on the payroll that date.

Mr. Clark: Mr. Examiner, may I ask that that be read, that Mr. Wingrove's last statement be read back? I think he used the term "two seasons" which is not correct. [2542]

Mr. Wingrove: I think I did.

(The record referred to was read by the reporter, as set forth above.)

Mr. Wingrove: Might I have the word "seasons" changed to "weeks"?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Wingrove) Now, Mr. Hammond, does the number of men employed increase during the early part of the season and decrease during the latter part of the season?

A. Yes, they do.

Mr. Wingrove: May it be stipulated, Mr. Mouritsen, that the total number of employees in the Corcoran plant exclusive of office help, that were

(Testimony of Gordon L. Hammond.)

carried on the payroll for the week ending October 27, 1938, was 86?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: And may it also be stipulated that the total number of employees in the Corcoran plant exclusive of office help who were carried on the payroll for the week ending November 17, 1938, was 84?

Mr. Mouritsen: So stipulated.

Q. (By Mr. Wingrove) Mr. Hammond, these figures as to the number of men employed for the week ending October 27, 1938, and November 17, 1938, respectively, represent approximately the peak of the employment season?

A. Yes, it does. [2543]

Q. For the year 1938, the 1938 season, I mean?

A. Yes.

Mr. Wingrove: May it be stipulated that the total number of bales of cotton ginned in the Corcoran plant during the 1937-'38 ginning season was 47,250?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: May it also be stipulated that the total number of bales of cotton ginned in the Corcoran plant during the 1938-'39 ginning season was 9,944?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: May it also be stipulated that the total number of tons of seed crushed in the oil mill in the Corcoran plant in the 1937 season was 23,716 tons?

(Testimony of Gordon L. Hammond.)

Mr. Mouritsen: So stipulated.

Mr. Clark: The 37-38 season, is it understood?

The Witness: That is right.

Trial Examiner Lindsay: Wait a minute. Is that right?

Mr. Clark: I am asking.

Trial Examiner Lindsay: Just a moment.

Mr. Wingrove: I will ask the witness.

Q. Mr. Hammond, will you kindly explain how the seasons in the oil mill are treated? When you refer to the 1937 season what period of time do you mean?

A. That is all seed that was received at the mill for the ginning season for 1937 and '38. [2544]

Q. And what period of time would that cover, Mr. Hammond?

A. Well that seed in coming in—I don't know if I understand just what you want.

Q. Well, I mean what period of time would the 1937-38 season cover?

A. The ginning season would cover——

Q. (Interrupting) In the mill. I am *referring* the mill.

A. It would mean any time from the starting of the ginning season in 1937—the 1937 and '38 was in September, finished on September 27, 1938.

Trial Examiner Lindsay: All right.

Mr. Wingrove: May it be stipulated that the total number of tons of seed crushed in the oil mill

(Testimony of Gordon L. Hammond.)
of the Corcoran plant for the season 1938-39 was 5,668 tons?

Mr. Mouritsen: So stipulated if we can have that season defined.

Q. (By Mr. Wingrove) Will you kindly state, Mr. Hammond, what period of time was covered by the period 1938-39 season in the mill?

A. Well, that is the total tons of seed that was received at the mill, which are not all milled yet.

Mr. Clark: May I have the last of that? I can't hear it.

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as [2545] set forth above.)

Q. (By Mr. Wingrove) There are still some of these 5,668 tons of seed on hand, then?

A. About 25 or 26 hundred tons.

Q. And the rest of the tonnage has been crushed, has it not? A. That is right.

Mr. Wingrove: May it be stipulated that the No. 1 gin started September 30, 1938, and closed down December 5, 1938?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: And that the No. 1 gin subsequent to December 5, 1938, ran part time until December 30, 1938, and I will ask Mr. Hammond to explain that.

Mr. Mouritsen: So stipulated.

Q. (By Mr. Wingrove) Mr. Hammond, would

(Testimony of Gordon L. Hammond.)

you kindly state what you meant when you specified on this memorandum that the No. 1 gin ran part time after December 5, 1938, and prior to December 30, 1938?

A. There was some cotton come in after that date that we did gin on the No. 1 gin. [2546]

Mr. Clark: May I have that read?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Talk a little louder, Mr. Hammond.

Q. (By Mr. Wingrove) You did run the Number 1 gin part of the time during that 25-day period, is that correct?

A. Yes. Sometimes we ran two or three hours, and some a half a day, and a few days, maybe all day.

Q. And were there any periods or any days during that 25-day period when the Number 1 gin didn't operate at all? A. Yes.

Q. About how many days do you think?

A. About half the time.

Mr. Wingrove: May it be stipulated that the Number 2 gin started October 3rd, 1938 and closed down December 3rd, 1938?

Mr. Mouritsen: So stipulated.

Q. (By Mr. Wingrove) During that period of time, to wit, October 3rd, 1938 to December 3rd, 1938, did the Number 2 gin run or operate continuously?

(Testimony of Gordon L. Hammond.)

A. From the time it started until that day, it did.

Q. That was one shift a day, I believe you testified to? A. That is right.

Q. One shift? A. One shift. [2547]

Q. Has the Number 2 gin operated at all since December 3rd, 1938? A. No, it has not.

Mr. Wingrove: May it be stipulated that the Number 3 gin started October 1st, 1938, and closed down January 24th, 1939?

Mr. Mouritsen: So stipulated.

Q. (By Mr. Wingrove) Now, did the Number 3 gin run or operate continuously during that period of time, Mr. Hammond?

A. Not quite all the time. There was some days during January that it didn't.

Q. Some days it didn't operate at all?

A. Yes.

Q. And were there any days when it did operate and only ran part of the day?

A. Yes, there was.

Q. During this period of time?

A. During the month of January.

Q. 1939.

Now, what was the reason that there were days when these gins didn't operate, and days when the gins only operated part of the day?

Mr. Mouritsen: I think counsel is referring only to the Number 3 gin in this instance? Isn't that correct, Mr. Wingrove?

(Testimony of Gordon L. Hammond.)

Mr. Wingrove: I will ask that general question about all [2548] of the gins here, that they only ran part time; Numbers 1, 2 and 3 just so far.

The Witness: Didn't have any cotton.

Q. (By Mr. Wingrove) What do you mean, you didn't have any cotton?

A. Wasn't any picked, any brought in.

Mr. Wingrove: May it be stipulated that the Number 4 gin started October 3rd, 1938 and closed down November 25th, 1938?

Mr. Mouritsen: So stipulated.

Q. (By Mr. Wingrove) Now, did the Number 4 gin operate continuously during this period of time, Mr. Hammond?

A. Yes, practically so.

Q. What do you mean by "practically so?"

A. Well, some Sundays we didn't gin any, not all of the time.

Q. Were there any days during this period of time at which the gin only operated part of a day?

A. Well, there were days it didn't operate 12 hours; I would say yes.

Q. And the reason for that, I understand, is the same reason that the other three gins didn't operate full time, no cotton coming in, is that correct?

A. That is right.

Mr. Wingrove: May it be stipulated that the number of bales, total number of bales of cotton ginned on the date of November 17th, 1937, was 468? [2549]

(Testimony of Gordon L. Hammond.)

Mr. Mouritsen: So stipulated.

Q. (By Mr. Wingrove) I would like to ask you, Mr. Hammond, if gins Numbers 3 and 4 have operated since the date it was stipulated they were closed? A. No, they haven't.

Mr. Wingrove: May it be stipulated that the total number of bales of cotton ginned on the day of November 17th, 1938, was 167?

Mr. Mouritsen: So stipulated.

The Witness: That is right.

Q. (By Mr. Wingrove) Mr. Hammond, if I undersand the figures, this represents only the number of bales which were ginned on these two particular days? A. That is right.

Mr. Wingrove: May it be stipulated that the total number of bales of cotton which were ginned to November 17th, 1937, in connection with the 1937-38 season, was 25,558?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: May it also be stipulated that the total number of bales of cotton ginned to November 17th, 1938, for the 1938-39 season was 6,785?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: May it be stipulated that the oil mill started September 20th, 1937 on the pressing of the 1937 seed, and that it closed March 7th, 1938; that it re-opened May 3rd, [2550] 1938 and closed again on May 17th, 1938?

Mr. Mouritsen: So stipulated.

(Testimony of Gordon L. Hammond.)

Q. (By Mr. Wingrove) Now, Mr. Hammond, am I correct in understanding that these three periods—two periods, rather—during which the mill operated in 1937, was in connection with the crushing of the 1937 seed? A. Yes.

Mr. Wingrove: May it be stipulated that the oil mill started July 1, 1938 and that it closed September 27th, 1938, and that during that period of time it was operating for the purpose of crushing the 1937 seed?

Mr. Mouritsen: So stipulated.

The Witness: That is right.

Mr. Wingrove: May it be stipulated that the oil mill started October 24th, 1938 on the crushing of the 1938 seed, and that it closed November 15th, 1938, and that it re-opened on January 5th, 1939 and closed again on January 12th, 1939; that it re-opened again on February 22nd, 1939 and closed again on February 24th, 1939; that it re-opened again April 29th, 1939 and ran until May 2nd, 1939?

Mr. Mouritsen: So stipulated.

Q. (By Mr. Wingrove) Mr. Hammond, has the oil mill operated at all since May 2nd, 1939?

A. Yes.

Q. When was that? [2551]

A. The first days of June.

Q. How long did that run, do you know?

A. Two days.

Q. Do you remember the days in June?

(Testimony of Gordon L. Hammond.)

A. No, I don't.

Q. Was it the early part of June?

A. Around the first days.

Q. 1939? A. That is right.

Q. Has it run any since that time, the two days it ran in June, 1939? A. No, it hasn't.

Q. Mr. Hammond, during these intervals when the mill operated, first commencing October 24th, 1939—'38, pardon me—and ending with the period in June when you finished running two days, am I correct in understanding that during those various operating periods, the mill was crushing the 1938 seed? A. Yes.

Q. Now, why was the mill operated for the two days in February, 1939?

A. We had some hot seed.

Q. And what do you mean by "hot seed?"

A. Some stored with excess moisture in them, and it doesn't store.

Q. Is it necessary to gin those seed to preserve them? [2552] A. It was.

Q. Now, why did the mill operate during the period April 29th to May 2nd, 1939?

A. We were short of feed.

Q. What do you mean by that?

A. Cake to feed the cattle.

Q. You are referring to the cake which is fed to the cattle at the plant, are you?

A. That is right.

Q. And why was the mill re-opened and operated for the two days in June of 1939?

(Testimony of Gordon L. Hammond.)

A. For the same purpose.

Q. Of obtaining cake to feed the cattle?

A. That is right.

Mr. Wingrove: May it be stipulated that the total number of tons of planting seed sacked from the 1937-season for 1938 planting was 1,537 tons?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: May it be stipulated that the total number of tons of planting seed sacked from the 1938 season for the 1939 planting was 1,007 tons?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: May it also be stipulated that on—as of November 17th, 1938, 879.4 tons of the planting seed which is being set aside for the 1939 planting season had been hauled and [2553] stored and that there was still some more planting seed on hand which remained sacked?

Mr. Mouritsen: So stipulated.

May we have the 1939 planting season defined?

Mr. Wingrove: I want to ask some questions in explanation of all of these.

Q. Mr. Hammond, will you kindly explain what is meant by the 1939 planting season?

A. We plant certain acres in 1938 to get our seed from for the planting of the 1939 crop, and as those acres are picked and brought into the gin, they are sacked and stored separate to the regular seed that goes to the mill.

Q. Am I correct in understanding, then, Mr.

(Testimony of Gordon L. Hammond.)

Hammond, that each year a certain amount of selected seed is set aside by the J. G. Boswell Company to be used for the planting of this cotton crop during the following season?

A. That is right, yes.

Q. And that is what we are referring to when we are discussing planting seed?

A. Yes, it is.

Mr. Wingrove: Does that answer your question?

Mr. Mouritsen: Well, of what season—what do you term the 1939 planting season?

The Witness: Beginning in March and continuing planting up until sometime about the first of June.

Mr. Mouritsen: And the 1939 season, that would be March [2554] to June of 1939?

The Witness: That is the planting season.

Mr. Clark: Mr. Examiner, may I ask one question?

Trial Examiner Lindsay: Yes.

Mr. Clark: Mr. Hammond, in storing planting seeds—seed to plant any particular acreage, do you take the seed from the cotton picked during the preceding years on those same acres?

The Witness: Not ordinarily. We have certain acres—there is a special seed planted one year to get our seed for the next year's planting.

Mr. Clark: All right.

Now, on this November 17th date that you heard a stipulation made concerning the amount of plant-

(Testimony of Gordon L. Hammond.)

ing seed which had been hauled during—up to that date of November 17th, 1938, do you know whether or not all the seed from the acreage given over to this planting seed had been stored by that time?

The Witness: Well, they had finished picking those acres that day. There was a few seeds sacked after that time, maybe a later picking.

Mr. Clark: Well, can you give us any idea concerning the proportion of the cotton picked from those acres which had been finished by that day, namely, November 17th?

Mr. Mouritsen: Well, I presume it is the difference between 839.4 tons and 1,007 tons. [2555]

Mr. Clark: Is that it?

The Witness: No. There was some other seed at that date already sacked that hadn't been weighed over the scale. I don't know the amount, probably 50 or 60 tons.

Q. (By Mr. Wingrove) Was this 1,007 tons of planting seed which was handled and laid away in 1938 the total number of tons which it was intended to, or which was laid aside for planting purposes in the season, 1939? A. That is right.

Trial Examiner Lindsay: Which was it? Laid away or intended to be laid away?

The Witness: That tonnage represents what was sacked for planting purposes. [2556]

Mr. Wingrove: May it be stipulated that the least number of men employed at the Corcoran plant of the J. G. Boswell Company, exclusive of

(Testimony of Gordon L. Hammond.)

office help, in the year 1937 was 48 men and the date of the minimum employment was April 22, 1937?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: May it also be stipulated that the date—that the least number of men employed at the Corcoran plant of the J. G. Boswell Company, exclusive of office help, in the year 1938 was 45 men and that the date of that minimum of employment was April 14, 1938?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: May it be stipulated that the least number of men who were employed in the Corcoran plant of the company, exclusive of office help, in the year 1939 was 55 and that the date of this minimum was April 22, 1939?

Mr. Mouritsen: So stipulated.

Q. (By Mr. Wingrove) Now, for fear I have overlooked it, I would like to ask you, Mr. Hammond, as to whether or not the No. 1 gin has operated since December 30, 1938?

A. No, it hasn't.

Q. Mr. Hammond, did you have a conversation with Mr. Prior on or about October 8, 1938?

A. Yes. [2557]

Q. Will you kindly state where you had this conversation?

A. It was in my office down at the plant.

Q. And who else was present, if anyone, besides yourself and Mr. Prior? A. No one.

(Testimony of Gordon L. Hammond.)

Q. Will you kindly state what the substance of that conversation was between yourself and Mr. Prior?

A. He told me that some of the boys that had been laid off when the mill closed down in September 27th had understood that the company didn't intend to re-employ them any more.

Q. And what did you say?

A. He asked me if that was true, and I told him no, that we didn't have work yet to employ them all, I was picking them up, though, and giving them work just as fast as we had work for them.

Q. Were the names of any employees mentioned in this conversation?

A. Yes, Mr. Martin, R. K. Martin, and Mr. Farr, George Andrade, and Boyd Ely, I believe.

Q. And what, if anything, was said about these respective employees?

A. I told him Mr. Martin was in to see me just a few days before and he told me he had a job at the Kingsburg oil mill, and they were going to call me to—and ask me if I would let them know when I got ready for him to come to work, and I told [2558] him that so far they hadn't called me. I told him that Boyd Ely hadn't worked in the gins any, that the mill wasn't running, and that as soon as we had work for him we would pick him up and let him know. I told him Andrade had worked at the gins and mill both and as soon as we had work I would pick him up, and that Mr. Farr had gone to Oklahoma and hadn't come back yet.

(Testimony of Gordon L. Hammond.)

Q. Mr. Hammond, when was the first time that you learned, or had called to your attention the fact that Mr. Prior was endeavoring to organize some of the employees of the company at the plant?

A. Well, that was some time around the first of September I believe. I don't remember the date.

Q. That was the first time that you had heard anything about Mr. Prior's union activities, was it?

A. I had heard it rumored that he had had a meeting in the American Legion hall in July. I don't remember just what time.

Q. Then, July was the first time you had heard any report at all? A. Yes.

Mr. Mouritsen: May I have that last question and answer? I didn't get it?

Trial Examiner Lindsay: Yes. Read the question and answer. [2559]

(The record referred to was read by the reporter as set forth above.)

Q. (By Mr. Wingrove) Following October 8, 1938, did you again have a conversation with Mr. Prior? A. Yes.

Q. Approximately what date was this next conversation you recall?

A. It was the 17th day of November.

Q. And what time of the day was it?

A. Around 9:00 o'clock in the morning.

Q. And where was the conversation held?

A. It was in the office in Mr. Bill Boswell's room—office room.

(Testimony of Gordon L. Hammond.)

Q. And who was present at that conversation?

A. Mr. Prior, R. K. Martin, Mr. Farr, and Lonnie Spear.

Q. Will you kindly state what was said by Mr. Prior and yourself and the other parties present during this meeting?

A. Mr. Prior said that they had had a meeting the night before and had elected officers.

Q. Did he tell you who the officers were who had been elected?

A. Yes, he did.

Q. That was the union officers he was referring to, was he?

A. Yes.

Q. All right.

Go right ahead. [2560]

A. He told me that he thought there was others working in the plant that would like to come but they seemed to be afraid to, afraid they would be laid off. He asked me if they would be if they went and I told him that they wouldn't, that he could tell them if they wanted to go it was all right for them to go, and if they would rather ask me, he could tell them to do so, or they could ask Mr. Robinson.

Q. What response, if any, did Mr. Prior make to that statement?

A. He just said that was fine.

Q. Did Mr. Spear say anything during this meeting?

A. Yes, he did.

Q. State what Mr. Spear said and what the reply was, if any.

A. I don't know whether Mr. Spear or Mr.

(Testimony of Gordon L. Hammond.)

Prior said something about the work—one of the two—any way, during the conversation at that time Mr. Spear said something—asked me something about not laying off any of their men. I told him I didn't know who the men were, that I had already told that morning that three of them wouldn't have any more work for them after that day as we would be through sacking the planting seed and we wouldn't have any more work for them the next few days.

Mr. Mouritsen: May I have that as to who was making this statement that the witness is now telling?

The Witness: I was making that statement. [2561]

Mr. Wingrove: Very well.

Q. Will you just continue, Mr. Hammond, please?

A. Mr. Spear told me at that time he would bring me a list of the names the next morning, and Mr. Prior turned around to him and said, "No, you can't do that. That is against the rules of the union."

Q. And who did you understand he intended when he was speaking about not laying any of their men off?

A. Well, I figured he meant the ones that belonged to the union.

Q. Who were these three men you had laid off that morning that you had told Mr. Prior and Mr. Spear had been laid off?

(Testimony of Gordon L. Hammond.)

A. He hadn't been laid off. I told him we would get through that day. He wouldn't be then, but he would be that night when we got through that morning.

Q. Who were those three men?

A. Stephen Griffin, W. R. Johnston, and E. L. Eller.

Q. Now, did you have any discussion at this conference regarding the running of the No. 4 gin?

A. Yes.

Q. What was said in that regard?

A. I told him I was planning on closing No. 4 gin down that day, and we talked about the labor conditions, and they asked if there wouldn't be some way we could run the—operate that gin longer. [2562]

I told them I would see if I couldn't operate some plan to do it.

Q. Now, was there anything said at this conversation regarding the intimidation of the employees so far as joining the union was concerned?

A. Yes, I believe Mr. Spear said that he had heard Tom and Joe Hammond was telling some of the employees that if they joined a union, they would be laid off.

Q. And what did you say, if anything?

A. I told them I didn't think they were saying so, because I had instructed them previous to that time to not tell anyone or say anything to them about the union, that they had a right to join a union or any union they wanted to, any of them.

(Testimony of Gordon L. Hammond.)

Q. And that is what you told Tom and Joe Hammond a few days previously?

A. That is what I told them. That was some time ago. That was in September.

Q. Was that the entire substance of the conversation which took place at that time?

A. (Pause)

Q. I am referring to this meeting of November 17, 1938.

A. As well as I can remember at this time.

Q. Now, following this conference did you do anything about changing the hours of operation of any of these gins.

A. Yes. [2563]

Q. What did you do?

A. Well, the following morning we started No. 2 and No. 4 gins at 7:00 o'clock and No. 1 and 3 at 10:00 o'clock.

Q. And what had been the practice with regard to opening the gins each day prior to this time?

A. All at the same time.

Q. What hours of the day?

A. At that time it was 7:00 o'clock.

Q. Now, did you issue any instructions as to how long the gins were to operate this following day?

A. Well, the No. 2 and 4 until 3:00 o'clock if there wasn't more cotton there than the other two gins could handle by night; if there was, they would operate longer.

(Testimony of Gordon L. Hammond.)

Q. What was your purpose in changing the ginning hours, cutting down the number of hours of operation of these gins?

A. Well, we couldn't operate only just certain hours. We would have to gin longer than six or eight hours, some of the gins anyway.

Q. Well, was your purpose to provide more employment to keep the gin running longer?

A. As long as we could, yes. [2564]

Q. Now, following this meeting with Mr. Prior and these other parties on November 17th, did you speak to Tom and Joe Hammond about the fact that Mr. Prior or Mr. Spear had claimed they were making intimidating remarks to some of the men about the Union? A. Yes, I did.

Q. When did you speak to them?

A. Oh, sometime during the day. I don't remember just when.

Q. And what did you tell them?

A. I asked them if they had been intimidating or telling any of them that they would be laid off if they joined a Union.

Mr. Mouritsen: May we have the foundation for this conversation laid?

Mr. Wingrove: Yes.

Q. You say this was how long afterwards, Mr. Hammond, after November 17th?

A. Well, this was during the day of November 17th.

Q. The same day.

Subsequent to the time you had met Mr. Prior?

(Testimony of Gordon L. Hammond.)

A. That is correct.

Q. And where did the conversation take place with Mr. Tom and Mr. Joe Hammond?

A. I don't believe I remember just when it was.

Q. Was anybody else present?

A. I don't think so. I couldn't say that. [2565]

Q. And did you tell Mr. Tom Hammond and Mr. Joe Hammond at this time as to what the Company's position was with respect to the men joining the Union?

A. Oh, I think that was the only thing I said to them. I don't believe I mentioned a thing to them—as well as I remember, I didn't.

Q. But you testified, I believe, a moment ago that you had spoken to them early in September about the matter?

A. Yes, I had.

Q. Now, that brings us up to November 18th, Mr. Hammond.

Now, where were you on November 18th?

A. Well, I was at the plant about 8:30 in the morning.

Q. When did you get there in the morning?

A. 6:00 o'clock.

Q. And you were there until about 8:00?

A. 8:30.

Q. 8:30.

And then did you leave? A. Yes, I did.

Q. Where did you go?

A. I went to Los Angeles.

Q. What was your purpose in going to Los Angeles?

(Testimony of Gordon L. Hammond.)

A. Well, my wife had a cousin visiting from Illinois to Los Angeles, and she had come up to visit her on the bus, and she was planning on going back to Los Angeles; and I told her [2566] that I would take her back to Los Angeles at that time, and my mother—and I had a sister—and me too—so they could make a trip to Los Angeles.

Q. Well, did you ask Mr. Louis T. Robinson's permission to leave the plant that day?

A. I did, yes.

Q. And did he give you permission?

A. Yes.

Q. Now, did you return to the plant again on the same day? A. Yes, I did.

Q. About what time of the day?

A. Well, it was about 7:00 o'clock.

Q. Did you know, Mr. Hammond, before you left the plant on that day that the employees of the Company intended to meet?

A. No, I didn't.

Q. You had no knowledge at all——

A. (Interrupting): No.

Q. (Continuing) ——is that right.

Now, did you give anyone permission or did you authorize anyone to shut down any of the gins or any of the machinery about the plant, or to leave their work during your absence?

A. No, I did not.

Q. When did you first learn of what had occurred during your absence?

A. When I came back that afternoon. [2567]

(Testimony of Gordon L. Hammond.)

Q. When you came back?

A. About 7:00 o'clock.

Q. About 7:00 o'clock that evening?

And what did you do after you came back to the plant that evening?

A. Well, I made up the time cards and weighed in some cotton at the plant.

Mr. Mouritsen: I couldn't hear that answer.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove) Did you know that certain of the employees of the Company intended to meet in the office that evening?

A. No, I didn't.

Q. Had any of them asked permission to meet there? A. Not from me.

Q. Or did any of them ask permission after you came back? A. No, they did not.

Q. Were you present at that meeting?

A. No.

Q. You didn't take any part at all in the meeting? A. No.

Q. Now, did you have any conversation with Mr. Prior on or about November 26th, 1938?

A. Yes. It strikes me it was a little later than that. [2568]

Q. What is your best recollection?

A. Oh, the 28th, 29th, somewhere along there.

Q. Well, will you kindly state, Mr.—I will withdraw the question.

(Testimony of Gordon L. Hammond.)

You are not positive of the date, is that correct?

A. I am not positive.

Q. Will you kindly state where this conversation took place?

A. It was in W. W. Boswell's office out there at the plant.

Q. What time of day was it, if you recall?

A. It was in the afternoon, 2:00 or 3:00 o'clock; something near that time.

Q. Who, if anyone, was present in addition to yourself and Mr. Prior?

A. Mr. Spear and Mr. Martin.

Q. Will you kindly state the substance of the conversation which took place between the various parties who were present?

A. Mr. Prior wanted to know something about putting the men back to work that was off since they had the difficulty they had on November the 18th.

Q. Did he say anything about the—mention the Larson notice? A. Yes.

Q. What did he say about that?

A. He wanted to know if we had put up a notice that Mr. Larson had recommended be put up.

Q. And what reply, if any, did you make? [2569]

A. I told him we had.

Q. Now, did he ask for Mr. Robinson at this time when he called? A. He did.

Q. What, if anything, did you reply—what did he say?

A. He asked if he could see Mr. Robinson, and Mr. Robinson wasn't there that afternoon.

(Testimony of Gordon L. Hammond.)

Q. What did you tell him? A. I told——

Trial Examiner Lindsay (Interrupting): He answered that. You keep your voice up just a little too. You are dropping down, and he is getting worse.

Will you talk up just a little? It is hard to understand you.

The Witness: I will try.

Trial Examiner Lindsay: After all, I have to hear this testimony, Mr. Hammond, and I just can't hear it unless you speak loudly, and everyone out here must hear it too as far as the attorneys are concerned.

Q. (By Mr. Wingrove) You say he spoke to you about taking some of the men back to work?

A. Yes.

Q. Then what did you say?

A. I told him we would take any of them, or all of them back when we had work for them to work, beginning next morning or any [2570] time they wanted to come back.

Q. And what reply did he make to that, if any?

A. Well, I don't believe—I don't remember what he said at that time.

Q. Was that the substance of the conversation, this particular conversation, Mr. Hammond?

A. Yes.

Q. Now, following this date which you say was along a little later, as you believe, than November 26th, 1938, did you have any other conversation with Mr. Farr? A. Yes.

(Testimony of Gordon L. Hammond.)

Q. When was the next conversation?

A. The following morning.

Q. And where did that take place?

A. The same place.

Q. Who was present besides yourself and Mr. Prior? A. Mr. Martin.

Q. Will you kindly state the substance of the conversation which took place at this time?

A. Well, fairly much the same as it was the day before, only he asked me that morning if we would take them all back in a body. I told him we didn't have work for them, we couldn't take them all in a body. He asked me then if I would take them back next year. I told him I couldn't tell him that, because I was only a hired hand and I might not be there myself. [2571]

Then he told me that, or asked me, if we couldn't take them and put them in the warehouse tearing down stacks of cake and re-stacking them for two or three days.

I told him No, I couldn't do that. Then he told me if we wouldn't take them back, why, then, he would make us take them back as he had been up against a proposition like that before. [2572]

He said that they would tie up all the cotton oil and cake in the Boswell Company and he could tell me where they had tied up as much as a million dollars worth of property and he understood that Boswell had that much at times. They would tie it up to where it couldn't move.

Then he wanted to know if Mr. Robinson was in.

(Testimony of Gordon L. Hammond.)

I told him I would go and see, which I did. He was in conference with some parties and wasn't able to see him at that time.

He asked me if I would make an appointment with him for the next day, which I did.

Q. Have you ever talked to Mr. Prior since that time and prior to the hearing here?

A. No, I haven't.

Q. Mr. Hammond, were you present during the time that Mr. Farr was testifying in this hearing?

A. Part of the time.

Q. Do you recall his testimony that he had a conversation with you during the latter part of August 1938 in your office at which he testified that you asked him if he was a member of the union, stating, in substance, that you had heard he was a member and was carrying a receipt book on the job signing up members and was active in the union?

Were you present during that testimony?

A. Yes, I was.

Q. Did you ever have such a conversation with him? [2573]

A. I had a conversation with him, yes.

Q. Well, did you ever ask him during the conversation as to whether or not he was a member of the union?

A. No.

Q. Did you ever—what—when did you have a conversation with him, Mr. Hammond?

A. Oh, I would set the time some time in September, near the middle of September.

(Testimony of Gordon L. Hammond.)

Q. And where did the conversation take place?

A. It was in my office there at the plant.

Q. And who was present besides yourself and Mr. Prior? A. No one.

Q. Will you kindly state the substance of the conversation which you had with Mr. Farr at this time?

A. I told Mr. Farr that Andrew Galvan, one of the Mexicans, was employed there and had told me that he had asked him and Ygnacio Galvan to sign a paper; said he told them it come from the office, Mr. Robinson had give it to him, and they don't speak English very well, and I don't know if I understand just what he was talking about—so I asked him—said Galvan told me that he told them if they would sign that paper the company couldn't lay them off and they would get more money.

I told him I didn't know anything about it, but I would ask Mr. Farr about it. That is what the conversation was about. [2574]

Q. In other words, you repeated to Mr. Farr the conversation which you had had with Galvan, is that correct? A. That is right.

Q. What did Mr. Farr have to say about it?

A. He said that he hadn't had any paper, hadn't asked them to sign any paper, and he didn't know what they were talking about.

Q. During the course of this conversation did Mr. Farr discuss with you or did you discuss with Mr. Farr the working conditions in the plant?

(Testimony of Gordon L. Hammond.)

A. No, I did not.

Q. Did you in any wise discuss the union except in the respect you have mentioned?

A. No.

Q. Did you ever at any time, Mr. Hammond, tell Mr. Derichsweiler—I think referred to in this hearing as “Good Friday”—or his son, that if they would get rid of Mr. Farr that they or one of them could have Mr. Farr’s position with the company?

A. No, I didn’t.

Q. Now Mr. Farr testified that he left the employ of the J. G. Boswell Company in the summer of 1937 to take a position with the San Joaquin Ginning Company.

Did you hear that testimony?

A. Yes, I did. [2575]

Q. And he testified that when he came back about a month later to get his check he saw you and claimed that you told him at that time, “When you want to come back home, you can come back home. There is a job waiting for you.”

Did you ever make such a statement to Mr. Farr?

A. No, not that I remember of.

Q. Now, did you have a conversation with Mr. Farr when he came back to get his check after he had gone to work for this other outfit?

A. Yes.

Mr. Mouritsen: By “this other outfit” do you mean——

Mr. Wingrove (Interrupting): I mean the San Joaquin Ginning Company, sometimes referred to

(Testimony of Gordon L. Hammond.)

in the testimony as Anderson Clayton Company.

Q. What was the substance of the conversation which you had with him?

A. He was telling me about where he was working, what he was doing.

Q. Where did this conversation—pardon me—was that all?

A. No. He told me——

Mr. Mouritsen (Interrupting): May we have the foundation laid?

Mr. Wingrove: I was just going to ask him that. I am sorry. I will withdraw the question.

Q. Where did the conversation take place, Mr. Hammond? [2576]

A. It was out near the office between the office and the mill building.

Q. You say it was about a month after Farr had gone away?

A. No, it wasn't that long. It was nearer two weeks.

Q. Was anyone else present besides yourself and Mr. Farr?

A. I don't remember. I don't believe so.

Q. Now, will you kindly state the substance of the conversation that you had with Mr. Farr at that time?

A. He told me that he was helping erect a gin north of Tulare at that time.

Q. Was that all he said?

A. That is about all.

Q. Did he discuss coming back to work at all?

(Testimony of Gordon L. Hammond.)

A. No, not at that time.

Q. Did you hear Mr. Farr's testimony that during the latter part of August and at various and sundry times previous thereto, he had complained to you about the hours at the plant being too long?

A. Yes, I remember that.

Q. Did Mr. Farr ever make any such complaint to you at any time? A. Never did.

Q. Do you recall Mr. Farr's testimony that at one time he picked you up in his car—I don't remember the date. I don't think he fixed the date—and brought you back to the [2577] plant and he testified that during that short trip you had some conversation about the union and the hours at the plant.

Do you recall that incident? A. Yes.

Q. Did you have any such conversation with him at that time?

A. Oh, I had a conversation with him but not in connection with any union that I recall.

Q. Did you hear Mr. Farr's testimony that he returned to the office about November 26, 1938, for the purpose of getting his check; that he found Mr. Spear was there talking to you and when he asked you about his check he told you that he was ready for work and that you told him, "Well, under these conditions, we can't use you at this time?"

A. I heard that.

Q. Do you recall that testimony of Mr. Farr?

A. Yes, sir.

(Testimony of Gordon L. Hammond.)

Q. Did you have any such conversation at that time or any other time with him?

A. No, I did not.

Q. Now, did you have a conversation with Mr. Farr during the month of September 1938?

A. Yes.

Q. Where did this conversation take place?

Mr. Mouritsen: I object to that as incompetent, irrelevant and immaterial unless it is connected up in some [2578] way with this matter that we are now investigating.

Mr. Wingrove: I intend to connect it up, Mr. Mouritsen, in just a moment.

Trial Examiner Lindsay: Yes. He may answer.

The Witness: Yes, I did.

Mr. Wingrove: Will you read back a little bit, please? I have lost myself now.

May I have the question and answer read back, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: That answer may go out.

Q. (By Mr. Wingrove) Where was this conversation that you had with Mr. Farr some time in the month of September, Mr. Hammond?

A. It was between the oil mill and the No. 1 seed house at the plant.

Q. Can you fix the date any more definitely than some time during the month?

(Testimony of Gordon L. Hammond.)

A. Some time around the middle of the month or just after the middle of September, 1938.

Q. Was anyone else present?

A. I don't remember; there could have been.

Q. What was the subject of the conversation? [2579]

A. At that time he told me that he wanted a farm next year and that he had a piece of land in view. Also at that time he asked me if, when the mill finished the season, if it would be all right for him to make a trip to Oklahoma. He wanted to go see his father. I told him it was all right, to go ahead, that there wouldn't be very much doing anyway and he would get back by the time we went to ginning.

Q. Now, at a later date did you have a further conversation with Mr. Farr? A. Yes.

Q. About what date was this next conversation that you had with him?

A. It was around—on or about the 10th or 12th of November.

Q. 1938? A. Yes.

Q. And where did this conversation take place?

A. It was in between No. 1 and 2 gin.

Q. Was there anyone else present?

A. There was others present, but the machinery was running. I don't know if any others heard the conversation.

Q. Will you kindly state the substance of the

(Testimony of Gordon L. Hammond.)

conversation that you had with Mr. Farr at this time?

A. He told me that he had rented a piece of land two miles and a half north of the Webb gin up on the highway this side [2580] of Tulare. He wanted to know if I knew whether the company would finance him in the crop for this year or not. I told him I didn't know but I would find out for him.

Q. Did you find out for him? A. Yes.

Q. What did you find out?

A. I found out that they would provided there was acreage in the program and there was water on the land to irrigate with.

Q. Now, did you communicate this information to Mr. Farr? A. I did.

Q. When?

A. A day or so afterwards.

Mr. Mouritsen: What was that original date?

Mr. Wingrove: About November 10 or 12.

Q. What did he say, if anything?

A. I told him that Mr. Armour—he was the man I talked to in regard to it—told him that if he would get Mr. Hubbard to go with him over and look at the land, and see about the water and the acreage that was in the program.

Q. What do you mean by “program,” Mr. Hammond?

A. I don't know if I am familiar with it enough to explain it or not. Anyway, the Government has

(Testimony of Gordon L. Hammond.)

a program, so many acres to be tilled to cotton and so many to other stuff—I don't think—I might not explain that just right. [2581]

Q. Is that commonly known as the Soil Conservation Program? A. Can be, yes.

Q. Mr. Hammond, were you present during Mr. R. K. Martin's testimony?

A. I was part of the time. I don't know—(pause.)

Q. Well, were you present when Mr. Martin testified in substance that Tom Hammand had told him that you, Gordon Hammond, had a letter from J. G. Boswell stating if they did—referring to the company—the union, pardon me—if they did, the union did come, to lock up?

Were you present when Mr. Martin testified to that? A. I was.

Q. Mr. Hammond, did you ever have any letter from J. G. Boswell stating either in substance or effect that the company would lock up the plant if the union came? A. No, I never did.

Q. Did you ever have any letter of any kind from Mr. J. G. Boswell yourself regarding the union? A. No.

Q. Mr. Hammond, did you have a conversation with Mr. E. C. Powell on or about November 1st or on or about November 6th, either date, during the course of which you asked him to furnish you information regarding the union? A. No.

Mr. Mouritsen: I object to this upon the ground

(Testimony of Gordon L. Hammond.)

it is [2582] not the proper method of impeaching a witness, making a denial. We have the official transcript and I suggest that it be read to the witness.

Mr. Wingrove: I was trying to save time rather than read all that testimony, but I will be glad to do that if you desire.

Mr. Mouritsen: I will withdraw the objection, then.

Trial Examiner Lindsay: All right.

Mr. Wingrove: Will you read the question—may I have the question read back, Mr. Examiner?

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove): Did Mr. Powell—I withdraw the question.

Did you ever at any time ask Mr. Powell to obtain and furnish you with information regarding the union? A. No, I did not.

Q. Did he ever at any time offer to obtain and furnish you with such information?

A. No, he did not.

Q. Did Mr. Powell tell you on or about November 6, 1938, who the union officers were and who had been present at one of the union meetings?

A. No.

Q. Did he ever convey that information to you at any other [2583] time? A. He did not.

Q. Did you ever ask him for such information?

A. I did not.

(Testimony of Gordon L. Hammond.)

Q. Did Mr. Powell tell you on or about November 17, 1938, that he, Mr. Powell, together with Mr. Johnston, Mr. Elgin Ely, and Mr. Steve Griffin had joined the union? A. No.

Q. Did he ever convey that information to you at any other time? A. No, he did not.

Q. Did you ever at any time request him to furnish you with such information?

A. No, I did not.

Q. Mr. Hammond, were you present when Mr. Powell testified that he met you at the plant about 8:00 o'clock in the morning of November 18, 1938?

A. Yes.

Q. Do you recall that incident? A. I do.

Q. And do you recall that he testified that you asked him if he were sure that Briley, Griffin, and Andrade were union members?

A. I heard the testimony?

Q. Do you recall that testimony? [2584]

A. Yes.

Q. Do you also recall his testimony to the effect that you stated to him at that time that you were going to be away a while and the boys were going to have a get-together over there after a while, kind of keep things calm as possible.

Do you recall that testimony of Mr. Powell?

A. Yes, I do.

Q. Mr. Hammond, did you meet Mr. Powell at the plant on the morning of November 18th at 8:00 o'clock?

(Testimony of Gordon L. Hammond.)

A. Not at 8:00 o'clock. I seen Mr. Powell that morning in the warehouse. [2585]

Q. Did you have any conversation with Mr. Powell on the morning of November 8th, 1938?

A. No, I did not.

Q. Did you have any conversation with him at any other time during that day? A. No.

Q. Then of course if you had no conversation, you didn't make any of these statements to him, is that correct?

A. I didn't make any of them.

Q. Did you hear Mr. Powell's testimony that a few days after November 18th, 1938, you sent Clyde Sitton out to tell him, Mr. Powell, that you would like to see him, for him to come down to the office? Do you recall that? A. Yes, I do.

Q. Did you send Mr. Clyde Sitton out on November, a few days after November 18th, to get Mr. Powell to come in? A. No, I did not.

Q. Did you ever send Mr. Sitton out at any time to ask Mr. Powell to come in to see you?

A. No.

Q. Did you ever send anybody else out to ask Mr. Powell to come to see you at any time?

A. No.

Q. Do you recall Mr. Powell's testimony that about November 20th, 1938, he called and saw you at your office, and you said [2586] that you had nothing against him and he could go back to work if he wanted to, and Mr. Powell testified—he told

(Testimony of Gordon L. Hammond.)

you at that time that he was afraid, said he thought he had better string along with the Union men, or words to that effect? Do you recall that testimony? A. Yes, I do.

Q. Did you ever have any such conversation with Mr. Powell on that date?

A. No, not that I can recall.

Q. Did you ever have any such conversation with Mr. Powell on any other date?

A. Not that conversation, no.

Q. Did you hear Mr. Powell's testimony, Mr. Hammond, to the effect that he reported to you nearly every day, sometimes when you were passing through the plant, and that he would give you information about the Union?

A. Yes, I heard that.

Q. Did he ever report to you at any time about the Union? A. No, he never did.

Q. Did you ever ask him to report to you about the Union activities? A. No, I never.

Q. Do you recall Mr. Powell's testimony to the effect that at the time of his first conversation with you on or about November 1st or November 6th, 1938, you said he could have a [2587] job as long as he wanted it, as long as he didn't have anything to do with the Union, or words to that effect?

Do you recall that? A. I heard that

Q. Did you ever have any such conversation with him? A. No, I haven't.

Q. Did you ever make such a statement to him at any time? A. No, I never did.

(Testimony of Gordon L. Hammond.)

Q. Did Mr. Powell report to you on or about November 12th, 1938, that the night previous, he Powell, together with Winslow, Johnston, Elgin Ely, made Union applications, or words to that effect? A. No, he did not.

Q. Did you have any conversation with him on November 12th, 1938?

A. Not that I can recall.

Q. Did you have any such conversation with him at any time?

A. Not in connection with the Union, no.

Q. Do you recall Mr. Powell's testimony that on the morning of November 17th, 1938, he told you that he had become a member of the Union the night before and couldn't reveal any more Union secrets?

A. I remember that testimony.

Q. Did you have any such conversation with Mr. Powell? A. No.

Q. At any time? [2588]

A. No, I did not.

Q. Did Mr. Powell at any time give you that information? A. No, he never did.

Q. Did you ever at any time tell Mr. Powell in substance or effect that the Union was all "hooley," it was just a bunch of fellows claiming something they couldn't back up? A. No, I didn't.

Q. You heard Mr. Powell's testimony, didn't you about the Union being all "hooley?"

A. Yes, I heard that.

Q. You made no such statement to him?

A. No.

(Testimony of Gordon L. Hammond.)

Q. Did you ever at any time make any statements to him concerning the Union?

A. Not that I remember of.

Q. Do you recall Mr. Powell's testimony that he talked with you in the office right after receiving the letter of November 28th, 1938, from the Company, and that you said to him at that time that you didn't have a thing against him, he could come back to work and that the Union was "hooley," or words to that effect?

Do you recall his testimony in that regard?

A. Yes, I do.

Q. Did you ever have any such conversation with Mr. Powell?

A. Well, along or near that time, Mr. Powell did come into the [2589] the office and wanted me or someone to write the insurance company in connection with his finger.

Q. Well, who was present besides yourself and Mr. Powell, if anyone?

A. No one. Mr. Clow, Guy Clow, handles that, and he wasn't there at that time. [2590]

Q. All right.

And what was said?

A. Well, I asked Mr. Powell—either asked him what they were going to do if they were coming back to work, or if he was coming back to work—I don't know which. He told me they wouldn't let him. I asked him who. He said, "Mr. Prior."

Q. Was that the substance of the conversations?

(Testimony of Gordon L. Hammond.)

A. Yes, it was.

Q. Well, now, during the course of this conversation, did you tell Mr. Powell that you didn't have anything against him, and he could come back to work, and the Union was all "hooley," or words to that effect?

A. No, I didn't say that.

Q. This conversation that you have testified to was the sole and only conversation that you did have with him about this date, is that correct?

A. At that time.

Q. Do you recall Mr. Powell's testimony to the effect that he talked to you at the office about December 1st, 1938, and that you offered him a job if he would discontinue his Union activities? Do you recall that?

A. Yes, I do.

Q. Did you ever have any such conversation with him?

A. No, I didn't.

Q. Did you ever make any statement to him at any time that [2591] he could come back to work if he would discontinue his Union activities?

A. No, I did not.

Q. Now, you have just testified, Mr. Hammond, to a conversation which you had with Mr. Powell some time after the letter of November 28th.

Subsequent to that time, did you have any further conversation with Mr. Powell?

A. Yes, but I don't remember. It was either the latter part of December or the first of January of 1939.

Q. Where did that conversation take place?

(Testimony of Gordon L. Hammond.)

A. That was in the office.

Q. And who was present?

A. There wasn't anyone at that time.

Q. I mean, of course, besides yourself and Mr. Powell?

A. No one.

Q. And what was the substance of that conversation?

A. He had a copy of a letter from an insurance company telling that they had issued him a check, and he wanted to know if it was there, for compensation.

Q. Is that all of that conversation?

A. Yes. Mr. Clow—that was on Saturday afternoon—Mr. Clow, he handled that, and he wasn't there, so I didn't know if the check was there or not.

Q. Well, Mr. Hammond, are those the only two conversations [2592] which you had with Mr. Powell which might have any bearing on this particular hearing?

A. That is right.

Q. And you didn't have any of those other conversations which he testified to?

Mr. Mouritsen: Objected to as vague and indefinite.

Trial Examiner Lindsay: Sustained. It has been previously answered.

We will adjourn until 8:00 o'clock in the morning.

(Whereupon, at 4:35 o'clock P. M., June 3, 1939, the hearing was adjourned to 8:00 o'clock A. M., Wednesday, June 14, 1939.) [2593]

American Legion Hall
Corcoran, California
Wednesday, June 14, 1939.
8:00 o'clock A. M. [2594]

PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Now, Mr. Examiner, before we go ahead with Mr. Gordon Hammond, I would like to direct your attention to page 2427 of the transcript, which is that of the day before yesterday, at line 11, being Volume XVIII, a question by me:

“Now, was that conversation then between you and Walter Winslow in connection with the discussion confirming the authority of Tom Hammond.”

The word “confirming” should be “concerning,” as will be seen.

Trial Examiner Lindsay: That is correct.

Mr. Mouritsen: Yes.

Mr. Clark: So stipulated?

Mr. Mouritsen: So stipulated.

Mr. Clark: That is in line 12 on page 2427, Mr. Wingrove.

That completes all the corrections so far as we are concerned, in Volume XVIII.

Now, directing attention to yesterday's transcript, first let me call attention to page 2450, line 22, the answer of Mr. Robinson concerning the employees

Al Chestnut and Lee Chestnut, starting ahead a few lines, it reads as follows:

“That District—” referring to the Lovelace Reclamation District—“didn’t have any compensation insurance, so we carried him—” that is, Al Chestnut—“on our payroll to keep [2596] him covered by compensation, and at the time we made the settlement with him,” the transcript reads, and it should be “them” if you will read the whole answer. It is a contractual relationship between the Lovelace Reclamation District and Boswell.

Mr. Mouritsen: Doesn’t that refer to the singular in all of that page?

Mr. Clark: No, sir, it does not. Here is your whole answer. There was no settlement with this man Chestnut. Here is your whole answer:

“Q. And what was the occasion for his employment?

“A. The J. G. Boswell Company contracted to pump the water off of the Lovelace Reclamation District. According to the terms of the contract, it would be one price if we furnished men to supervise the running of the engines or the pumps, and another price if they furnished the men to supervise that operation. They elected to furnish the men to supervise that operation, and Al Chestnut was one of the men they furnished, the Peterson Farms Company being located in the Lovelace Reclamation District. That District didn’t have any compensation insurance, so we carried him on our payroll to keep him covered by compensation, and at

the time we made the settlement—" "with them," it ought to be—"that was taken into consideration in the settlement."

That is, the settlement between the two contracting parties, [2597] namely, the District and the Boswell Company.

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.)

Mr. Clark: Now, further, I would like to direct attention to page 2464, line 20, in a statement made by Trial Examiner Lindsay to Mr. Robinson when he was on the stand. The transcript reads: "You are an authority out there, aren't you?"

I think the statement should be, "You are an authority out there, aren't you?"

Trial Examiner Lindsay: That is correct.

Mr. Clark: May that be stipulated and changed, the word "and" changed to "in?"

Mr. Mouritsen: So stipulated.

Mr. Clark: Very well.

Now I think Mr. Wingrove has some corrections in his part of the testimony. [2598]

Mr. Wingrove: I would like to call the Examiner's attention to yesterday's transcript, page 2540, line 24, in which I made the following statement: "Mr. Examiner, during the recess it is agreed between Mr. Mouritsen"—it reads now "and counsel for the Board." And I stated "Mr. Mouritsen, of counsel for the Board."

May that be corrected?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: I also desire to direct your Honor's attention to page 2550 of yesterday's transcript, and I will direct Mr. Mouritsen's attention to the memorandum from which we entered into the stipulation—the line on page 2550, which is line 24. It now reads: "Mr. Wingrove: May it be stipulated that the oil mill started September 27, 1937, on the pressing of the 1937 seed, and that it closed March 7, 1938";

Now, the correct date in September is September 20th instead of September 27th. May it be so stipulated?

Mr. Mouritsen: So stipulated.

Mr. Wingrove: I also desire to direct attention to page 2551 of yesterday's transcript, line 16. It now reads: "And that it"—referring to the oil mill—"closed November 13, 1938."

The correct date in that regard is November 15, 1938.

Mr. Mouritsen: So stipulated. [2599]

Mr. Wingrove: And line 18 of the same page now reads: "That it re-opened"—referring to the oil mill—"again on January 22, 1939."

That date should be February 22, 1939.

Mr. Mouritsen: So stipulated.

Mr. Wingrove: Now, directing your attention to page 2553 of the transcript, line 24, it now reads: "November 17, 1938, 839.4 tons of the planting seed."

The correct figure in regard to tonnage was 879.4.

Mr. Mouritsen: Correct. I will so stipulate.

Mr. Wingrove: Page 2554, line 2—lines 1 and 2—now read: “Stored and that there was still some more planting seed on hand which remained unsacked?”

And the proper word there should be “sacked” instead of “unsacked.”

Mr. Mouritsen: So stipulated.

Mr. Wingrove: Page 2561, lines 21 and 22—pardon me. I should have said lines 20 and 21. I will have to read back there.

I will start in with line 17. This is the testimony or statement of Mr. Hammond:

“I told him I didn’t know who the men were, that I had already told that morning that three of them wouldn’t have any more work for them after that day as we would be through planting the second planting seed and we wouldn’t have any [2600] more work for them the next few days.”

Now, I am confident—that doesn’t make sense—and I am confident the witness’ testimony was: “That we would be through planting the season’s—we would be through sacking the season’s planting seed.”

There is no such thing as second planting seed in the testimony.

Here is the meaningless part: “We would be through planting the second planting seed and we wouldn’t have any more work for them the next few days.”

I am confident the witness' testimony in that regard was that we would be through sacking the planting seed—or, sacking the season's planting seed.

Trial Examiner Lindsay: Just a second.

The word "sacking" is in there.

Mr. Mouritsen: And the word "second" isn't?

"Through sacking the planting seed."

Mr. Wingrove: That is probably correct.

Mr. Mouritsen: Yes, I will so stipulate.

Mr. Wingrove: We will eliminate entirely the word "second."

Mr. Mouritsen: So stipulated. [2601]

Mr. Wingrove: Page 2571, line 9; I will start reading with line 8:

"Q. Now, following this date which you say was along a little later, as you believe, that November 26th, 1938—" I am confident the word was "than," instead of "that."

Mr. Mouritsen: So stipulated.

Mr. Wingrove: At page 2574, line 11:

"Q. And who was present besides yourself and Mr. Prior?"

May it be stipulated that question was directed to a conversation which the witness had with Mr. Farr, as it so indicates. I will read two more lines:

"A. No one.

"Q. Will you kindly state the substance of the conversation which you had with Mr. Farr at this time?"

I would like to change the word "Prior" to "Farr," as it is manifestly an error.

Trial Examiner Lindsay: Off the record a moment.

(Discussion outside the record.)

Mr. Wingrove: Mr. Hammond, please.

Those are all of the corrections that I have any notation of.

GORDON L. HAMMOND

the witness on the stand at the time of adjournment, resumed the stand and was further examined and testified as follows: [2602]

Direct Examination

(Continued)

Q. (By Mr. Wingrove) Mr. Hammond, I asked you yesterday if you were present during the time Mr. Farr was testifying in this hearing, and you replied that you were part of the time.

I then asked you if you recalled Mr. Farr's testimony that he had a conversation with you during the latter part of August, 1938, in your office, stating the substance of that conversation, and asking you if you were present during the testimony, and you said you were. You said you had the conversation with him, but you thought it was sometime in September, near the middle of September.

I then asked you where the conversation took

(Testimony of Gordon L. Hammond.)

place, and you testified it was in your office at the plant.

I then asked you who was present besides yourself and Farr. I will now ask you, was Mr. Prior present at this conversation with Mr. Farr?

A. No, he was not.

Q. Who was present there besides yourself and Mr. Farr, if anyone? A. No one.

Mr. Wingrove: May the record show, Mr. Examiner, that that question was asked for the purpose of clearing up that record on page 2574 of yesterday's transcript at line 11?

Trial Examiner Lindsay: Yes. [2603]

Q. (By Mr. Wingrove) Mr. Hammond, you testified yesterday—withdraw the question.

You will recall that it was stipulated yesterday afternoon that four of the gins at the Boswell plant in Corcoran operated during certain stipulated periods in the fall of 1938. I will now ask you as to whether or not any of the four gins which operated during the fall of 1938, which we have been calling the 1938-39 season, operated more than one shift per day. A. No, they did not.

Q. They all operated just one shift a day, is that correct? A. One shift.

Q. And that might have been—was that more or less than 12? A. More and less.

Q. Both? A. Yes.

Q. The hours operated depend upon the amount of cotton coming in, is that correct?

(Testimony of Gordon L. Hammond.)

A. That is right.

Q. Mr. Hammond, were you present during the time that Mr. L. A. Spear was testifying in this hearing? Did you hear his testimony?

A. I heard some, yes. [2604]

Q. Mr. Spear testified, in substance, that he had a conversation alone with you on the afternoon of November 19, 1938, and that you asked him to drop the union business and come back to work and he replied that he couldn't come back unless the other boys could come back; and that you stated that if the company recognized the union it would cause friction and that the boys had formed an organization the night before.

Do you recall that testimony?

A. I believe so.

Q. Did you have any such conversation with Mr. Spear at that time?

A. I had a conversation with him but not just as that says.

Q. Did you ever make those statements or any similar statements either in substance or effect to Mr. Spear at any time?

Mr. Mouritsen: I will object to this upon the ground that the witness indicated there was a conversation at that time. The proper method is to—

Trial Examiner Lindsay (Interrupting): Sustained.

Mr. Wingrove: He said "not to that effect."

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: Let him tell what the conversation was.

Mr. Wingrove: Very well.

Q. Will you kindly state the conversation that you did have—withdraw the question. [2605]

You say you did have a conversation with Mr. Spear on November 19, 1938? A. I did.

Q. Where was the conversation held?

A. It was in my office at the plant.

Q. What time of day was it, do you recall?

A. Oh, it was somewhere near 3:00 o'clock in the afternoon.

Q. Who was present besides yourself and Mr. Spear if anyone?

A. Well, there was two or three in and out. There was no one, I believe, heard the conversation that we had.

Q. Will you kindly state the substance of the conversation that you had with Mr. Spear at that time and which he had with you?

A. I asked Mr. Spear to forget his affiliations with the union and I would forget Boswell Company; that I would like to know what he thought was the cause of the difficulty they had the day before.

He told me when he came to work that morning some one of them—he didn't say who or I don't believe I asked him—who told him that they were going to have a meeting at 10:00 o'clock and that he said he told them it was fine, that he thought they were

(Testimony of Gordon L. Hammond.)

going to ask him or talk to him about the union.

When they got together they asked him so many questions [2606] and so fast he couldn't answer them and someone in the crowd, after they got to where he couldn't answer the questions, said, "Let's throw him out," and they proceeded to do so.

He told me that he didn't much blame them for doing what they did, he didn't know much about the union anyway, and that he was glad they did do what they did.

Q. Did he make any statement as to whether or not there had been any violence?

A. Well, he said there was no one hurt. I don't know whether he called it "violence" or "anyone hurt."

Q. Was that the substance of your conversation with him at that time? A. Yes.

Q. How did you happen to have this conversation with Mr. Spear on November 19th?

A. I asked Mr. Hugh Greer to tell Mr. Spear, when he went home to lunch, if he could come down I would like to talk to him.

Q. And pursuant to that request Mr. Spear called and you talked with him, is that correct?

A. That is right.

Q. Now, during the course of that conversation did you ask Mr. Spear to drop the union business and come back to work? A. No, I did not.

Q. Did he state to you at that time that he

(Testimony of Gordon L. Hammond.)

wouldn't come [2607] back to work until the other boys could come back?

A. No, he didn't.

Q. Did you tell him that if the company recognized the union it would cause friction?

A. No. We didn't discuss the union on that line at all.

Q. Did you tell him that the boys had formed an organization the night before, referring to the boys in the plant?

A. No, I did not.

Q. What was your purpose in calling Mr. Spear in so you could talk with him, Mr. Hammond?

A. I wanted to find out just what caused the trouble and difficulty the day before. [2608]

Q. Do you recall Mr. Spear's testimony to the effect that the last conversation he had with you was when he went to get his tool box in the fore part of December, 1938, and that you said at that time that he could come back to work, but he said he wouldn't come back under those conditions, meaning that he would have to drop the Union?

Do you recall that testimony?

A. Yes, sir, I do.

Q. Did you have any conversation with Mr. Spear during the fore part of December, 1938, in which you made any such statements?

A. On or about the 9th of December, I did.

Q. Well, did you make the statements in the conversation on December 9th?

A. I didn't make them.

(Testimony of Gordon L. Hammond.)

Q. Will you kindly state where the conversation of December 9th took place?

A. I met Mr. Spear between the office and the scale house. He told me that he left some tools out of his box.

Q. Just a moment. I want to ask you if there was anybody else present?

A. No, there was not.

Q. Very well. Go ahead and state what the conversation was between the two of you.

A. He told me he left some of his tools out of his box on the [2609] day he left on November 18th, and he would like to gather them up, put them in his box. I told him I would go with him.

I asked him then—I first told him we would have some more cotton to gin on the Number 1 gin, and I asked him if he were coming back, or they were coming back to go to work. He said he didn't know. He said he didn't think that he would because he was planning on making a crop. He said that Mr. Farr was planning on making a crop and that in the last meeting he was in with them—that had been over a week ago, he said—that Mr. Prior had taken it all out of their hands, and he didn't know what they were going to do. He also said that Mr. Prior told *he* had a job for Mr. Martin, two of the Ely boys and Mr. Johnston down South the first of January, and that he didn't know what the other boys were going to do.

(Testimony of Gordon L. Hammond.)

Q. Was that the substance of the conversation at that time between yourself and Mr. Spear?

A. That is, as well as I remember it.

Q. Now, at the time of this conversation on or about December 9th, 1938, Mr. Hammond, did you tell Mr. Spear that he could come back to work?

A. Yes, I did.

Q. Did you tell him that he would have to drop the Union? A. No, I did not.

Q. Or did you make any statement—did he tell you that he [2610] wouldn't come back under the same conditions, or words to that effect?

A. No.

Q. Meaning that he would have to drop the Union? A. He did not.

Q. Now, did you have any further conversation with Mr. Spear after this one of December 9th, 1938, which you have just testified to?

A. Yes, I did.

Q. When was it?

A. That was on or about the 19th or 20th of December, 1938.

Q. Where did this conversation take place?

A. He came down after his tool box and that was—I went with him over to the gin and helped him get his tool box and put it in the car.

Trial Examiner Lindsay: Haven't we just gone over that?

Mr. Wingrove: This is a further conversation.

Q. So you were helping him, going over to help

(Testimony of Gordon L. Hammond.)

him get his tool box, and was that where the conversation took place, while you were enroute?

A. Yes, it was there and over at the gin, Number 1 and 2 gin.

Q. Was anyone else present besides yourself and Mr. Spear? A. No, there was not.

Q. What, if anything, was said by you and Mr. Spear at that [2611] time?

A. Well, I asked him if he had found any land yet. He said that he hadn't made a deal for any, but he and Mr. Farr were looking at some land together to make a crop.

Q. Now, I would like to have you clear up one point, Mr. Hammond.

You testified that on or about December the 9th, Mr. Spear came back to gather up and did gather up some of his tools? A. He did, yes.

Q. What did he do with those tools which he gathered up at that time?

A. He put them in his tool box.

Q. Did he take his tool box away?

A. No, he did not.

Q. And then you say he came back about a week or ten days later, is that correct? A. Yes.

Q. And got his tool box?

A. That is right.

Q. That is the time you had that last conversation with him?

A. (Nodding head affirmatively.)

Q. Prior to November 18th, 1938, did Mr. Spear

(Testimony of Gordon L. Hammond.)

ever say anything to you about the condition of his health? A. Yes, he did. [2612]

Q. How long before November 18th? Can you fix the time, please?

A. Well, just a few days.

Q. And where did the conversation take place?

A. Number 1 gin.

Q. Who was present besides yourself and Mr. Spear, if anyone?

A. There were two or three others in the plant. I don't think that there was anyone could hear the conversation on account of the machinery.

Q. Will you kindly state the substance of the conversation between yourself and Mr. Spear at that time?

Mr. Mouritsen: I will object to the conversation on the ground it is incompetent, irrelevant and immaterial, and does not tend to prove or disprove the issues of this case.

Trial Examiner Lindsay: May I have the question?

(The record referred to was read by the reporter, as set forth above.)

Mr. Wingrove: I think it is material and proper rebuttal, Mr. Examiner, for the reason that Mr. Spear testified, I believe, on his direct examination, that he had to go to see a doctor immediately following the incident of November 18th.

Trial Examiner Lindsay: He may answer.

(Testimony of Gordon L. Hammond.)

Q. (By Mr. Wingrove) Do you have the question in mind, Mr. Hammond? [2613]

A. I don't believe I do well enough to answer.

(The record referred to was read by the reporter, as set forth above.)

The Witness: He said he hadn't been feeling very well. He had told me that two or three different times at the same place. He also said he had been to see a doctor, or was agoing on two different occasions, the week previous or it may have been the same week, just a few days before.

Q. He made that same statement to you on two different occasions, or told you he had gone to see a doctor on two different occasions?

A. He told me he was going or had been. He talked about it twice.

Mr. Mouritsen: I move to strike the previous answer upon the ground it is not responsive. It is not giving the conversation that took place at the time, for which the foundation was established.

Trial Examiner Lindsay: Yes.

Mr. Mouritsen: The second question, the question just asked, therefore, is objectionable as it is leading and suggestive.

Mr. Wingrove: I want to clear up the statement.

Trial Examiner Lindsay: You better——

Mr. Wingrove (Interrupting): I will ask him the further question about the earlier conversation. [2614]

Q. Now, you stated that you had a conversation

(Testimony of Gordon L. Hammond.)

with Mr. Spear on two different occasions in which he spoke something about going to see a doctor, or had been to see a doctor.

Is that correct, Mr. Hammond? A. Yes.

Q. Now, this occasion you have just finished testifying to, as I understand it, was two or three days before November 18th, is that correct?

A. The last one.

Q. Now, when was the other occasion before November 18th?

A. It could have been three or four days previous to that.

Q. And where did that conversation take place?

A. At the same place.

Q. Who was present besides yourself and Mr. Spear, if anyone? A. No one.

Q. And what was stated at that time between yourself and Mr. Spear?

A. He said he hadn't been feeling very well, and was either going to see a doctor that night, or had been the night before, the evening before.

Q. Did you ever have any conversation with Mr. H. N. Wingo following the time that he left the plant on November 18th, 1938?

A. One time. [2615]

Q. When was it?

A. Oh, it was on or about December 2nd or 3rd, 1938.

Q. And where was this conversation held, or this meeting held?

(Testimony of Gordon L. Hammond.)

A. In the hallway in the office there at the plant.

Q. Who, if anyone, was present in addition to yourself and Mr. Wingo?

A. No one. I met him there in the hall.

Q. Will you kindly state the substance of the conversation which took place between yourself and Mr. Wingo?

A. He asked me if I knew whether he had a check there or not. I told him I thought so, and went in and got a check for him. I asked him what they were going to do, if he was coming back to work. He said he didn't know. He said he was sorry that this happened and he had been misinformed.

Q. Was that all of the conversation that occurred at that time? A. That was all.

Q. Mr. Hammond, were you present and did you hear the testimony which was given in this present hearing by Mr. Winslow?

A. Yes. I heard some of his testimony. I don't know that I heard it all.

Q. I will ask you if you were present when Mr. Winslow testified in substance that about the first of the year 1936 he had a conversation with you in the seed house with regard to his [2616] obeying orders from Tom Hammond, and that you told him that you expected the men to carry out orders from Joe, Julius or Tom Hammond.

Do you recall that testimony?

A. Yes, I do.

(Testimony of Gordon L. Hammond.)

Q. Did you have any such conversation with Mr. Winslow? A. No.

Q. At any time did you make those or similar statements?

A. No, I never did at any time.

Q. Mr. Hammond, shortly prior to the time that the mill opened on the last part of—I believe—I will give you the exact date here—withdraw the question and I will reframe it.

Prior to the time that the mill opened on October 24th, 1938, did you circulate among the men at the plant a list with regard to the hours which were to be worked at the mill? A. Yes, I did.

(Discussion outside the record.) [2617]

Mr. Mouritsen: Mr. Examiner, I believe that on page 1188 of the official transcript you will find that Respondent Boswell's No. 8 was admitted—was received in evidence.

Trial Examiner Lindsay: Yes, it has been received.

Q. (By Mr. Wingrove) Mr. Hammond, I will hand you a document marked Respondent Boswell's Exhibit No. 8 and ask you as to whether or not that is the list you refer to as having been circulated amongst the men regarding the work in the mill.

A. Yes, that is.

Q. I will ask you to look at this document and state as to whether or not Mr. Winslow signed that.

A. (Examining document) Yes, he did.

(Testimony of Gordon L. Hammond.)

Mr. Mouritsen: May I have that question?

Trial Examiner Lindsay: Yes.

The question was to the effect as to whether Mr. Winslow signed that.

Mr. Mouritsen: I will object to that as calling for hearsay and something beyond the witness' knowledge.

Q. (By Mr. Wingrove) Did Mr. Winslow sign that in your presence, Mr. Hammond?

A. He did.

Q. Very well.

Do you recall approximately what date it was that Mr. Winslow signed Respondent Boswell's Exhibit No. 8? [2618]

A. It was on or about the 19th or 20th of October.

Q. 1938? A. Yes.

Q. At the time of his signing that list, Respondent Boswell's Exhibit No. 8, did you have any conversation with Mr. Winslow about it?

A. Not anything further than I asked him——

Q. (Interrupting): Just answer yes or no, please. A. Yes.

Q. Where did the conversation take place?

A. It was over around No. 1 and 2 gin.

Q. Who, if anyone, besides yourself and Mr. Winslow were present?

A. I do not recall.

Q. Will you kindly state the substance of the conversation? What you said to him and what he said to you.

(Testimony of Gordon L. Hammond.)

A. Well, I told him we only had a few days' milling to do and some of the boys wanted to work 12 hours and maybe some would rather work 8, and if he would rather work 8, why, sign where the place is set out if he wanted to work 8 hours, or sign if he would rather work 12.

And he said he would rather work 12. And I asked him not to sign for 12 just because some of the others did if he would rather work 8.

Q. Is that all of the conversation? [2619]

A. That is all.

Q. Mr. Hammond, were you present and did you hear Mr. Andrade's testimony? A. Yes.

Q. Do you recall his having testified that in October of 1938 Ygnacio Galvan told him, Prior, and Martin, that he, Galvan, had been told by you, Gordon Hammond, that he would lose his job if he had anything to do with the union? Do you recall that testimony? A. I do.

Q. Did you tell Mr. Ygnacio Galvan in October of 1938 that he would lose his job if he had anything to do with the union? A. I did not.

Q. Did you ever make a similar statement to him at any other time? A. I never have.

Q. Were you present during the time that Mr. L. E. Ely was testifying in this proceeding? Did you hear his testimony? A. Yes, I did.

Q. Do you recall his testimony to the effect that he talked with you between 7:00 and 8:00 o'clock p. m., on the evening of November 18, 1938, I be-

(Testimony of Gordon L. Hammond.)

lieve, somewhere out in front of the office or over toward the yard and that Mr. Workman and Mr. Parrish were present? [2620]

A. Yes, I do.

Q. Do you recall that incident? A. Yes.

Q. Did you have any conversation with Mr. L. E. Ely at that time?

A. Not that I can recall.

Mr. Mouritsen: Is counsel stating the record correctly on that? My recollection is that Parrish and this other man were not present, they were some distance away on the platform.

Could we have the record checked in that respect?

Mr. Wingrove: Page 1203, Mr. Mouritsen. I believe the testimony was that Mr. Hammond was standing nearby.

Trial Examiner Lindsay: Let's read it.

Mr. Wingrove: I am reading from page 1203 of the transcript, line 22.

Question, I believe, by Mr. Mouritsen:

"Q. Now, did you have a conversation with Gordon Hammond on or about November 18, 1938?

"A. Yes. It was in the afternoon or the evening.

"Q. Approximately what time in the evening?

"A. Between 7:00 and 8:00 o'clock.

"Q. And where did the conversation take place?

"A. Between the J. G. Boswell office and the oil mill.

"Q. That is, out at the J. G. Boswell plant, is that [2621] correct?

(Testimony of Gordon L. Hammond.)

“A. Yes.

“Q. Was anyone else present other than yourself and Gordon Hammond at that time?

“A. The engineer, Workman, Frank Price”—we have here but I am confident the name was Parrish—“that is all I remember now that was there.

“Q. Yes. Did you observe in and about the office of the plant a number of the other employees of the company? A. Yes.

“Q. Approximately how many?

“A. Well, 70 or 80.

“Q. Well, will you state what conversation you had with Gordon Hammond on that occasion?

“A. Well, I told him that my thumb was getting better and I thought I soon would be ready to go back to work.

“And he told me that—to see Tommy, that Tommy was inside of the office.

“Q. Do you recall anything further that was said?

“A. Not by him.

“Q. Well, at or about that time did you hear any other employee of the company say anything?

“A. Yes.

“Q. Who was this other person?

“A. Frank Parrish. [2622]

“Q. And who is he?

“A. He is the blacksmith, I think, is what job he holds at the plant in Corcoran of the J. G. Boswell Company.

(Testimony of Gordon L. Hammond.)

“Q. What did Parrish say to you?

“Mr. Clark: Do I understand, Mr. Examiner, that this conversation is in the presence of Gordon Hammond? The conversation between the employee Parrish? If it isn’t, I want to object to it on the ground it calls for hearsay.

“Mr. Mouritsen: I will establish that.

“Q. At the time when you said anything to Parrish or Parrish said anything to you, was Gordon Hammond present?

“A. Yes.

“Q. How far away from you was he at the time when Parrish said something to you or you said something to Parrish?

“A. He could have been two or three yards.”

Mr. Mouritsen: That covers that.

Mr. Wingrove: Is that cleared up?

Mr. Mouritsen: Yes.

Q. (By Mr. Wingrove) Now, Mr. Hammond, after having heard the testimony read, will you kindly state as to whether or not you had any conversation with L. E. Ely on the evening of November 18, 1938?

A. I don’t remember of any, not at the time he has set anyway, because he wasn’t there at that time. If any, it was [2623] a little later. I don’t say that I did not now, but I don’t believe I did.

Mr. Mouritsen: May I have that answer re-read?

Trial Examiner Lindsay: Yes. Read the answer.

(Testimony of Gordon L. Hammond.)

(The answer referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove) You state you might have had a conversation but it was a little later in the evening?

A. I could have. I don't remember of any conversation with him at all that afternoon.

Q. Do you recall having had a conversation with him at any time in which he stated in effect that his thumb was getting better and he would soon be ready to go back to work?

A. No, I don't recall any.

Q. Mr. Hammond, were you present during the time that Mr. James W. Gilmore was testifying in this proceeding?

A. Yes.

Q. Did you hear his testimony?

A. I did.

Q. You will recall that he testified that in June 1938 he talked with you and that you asked him if he had them all signed and he said—and you said that he probably would have them all signed up if he kept sneaking around. Do you recall that incident in the testimony?

A. I do. [2624]

Q. Did you ever have any such conversation with Mr. Gilmore?

A. I did not, no.

Q. Either at that time or any other time?

A. No.

Q. He also testified that some time in July, 1938, after the mill started, he talked with you between the main office and the scales office and asked you if his work was satisfactory and if there was any

(Testimony of Gordon L. Hammond.)

more work for him; that you stated there wasn't anything to do, but you wouldn't exactly say it was because of the union.

Do you recall his testimony to that effect?

A. Yes.

Q. Did you have any such conversation with Mr. Gilmore? A. No, I did not.

Q. Either in July or at any other time?

A. No.

Q. Now, what conversations, if any, did you have with Mr. Gilmore during the—say, between May and July, the middle of July, 1938?

Mr. Mouritsen: I will object to the form of the question.

Trial Examiner Lindsay: Just a moment.

I am going to sustain that objection, and you re-frame the question.

Q. (By Mr. Wingrove) Did you have a conversation with Mr. [2625] Gilmore during the month of May 1938, Mr. Hammond?

A. Yes, I did.

Q. What time during the month of May, to the best of your recollection?

A. Well, he was at work during the 2nd through the 17th of May, and I talked to him four times in the morning.

Q. Now, do you recall any of the conversations which you had? Can you identify any of them as to time?

A. One only as to time, on the 17th of May.

(Testimony of Gordon L. Hammond.)

Q. Where was the conversation held?

A. That was between—near the mill—just outside of the mill, between the mill and the office.

Mr. Mouritsen: Between the mill and the office?

The Witness: Yes.

Q. (By Mr. Wingrove) Who, if anyone, was present besides yourself and Mr. Gilmore?

A. I don't believe there was anyone.

Q. Will you kindly state the substance of the conversation?

A. He asked me if he could get his check that day, that he was fixing to go to Oregon and that he had a job up there for \$6 a day. I told him I would get it for him as soon as he would come to the office, which would be just after 8:00 o'clock. [2626]

Q. Now, this conversation you fix as about May 17th, 1938?

A. Yes.

Q. Now, subsequent to that date, did you have a further conversation with Mr. Gilmore?

A. Yes, he told me——

Q. (Interrupting): Well, just answer yes or no.

A. Yes.

Q. When did this further conversation take place?

A. It could have been just after the first of September, or it could have been around the 8th or 10th, something around there.

Mr. Mouritsen: And what is the year?

Q. (By Mr. Wingrove): 1938?

A. Yes.

(Testimony of Gordon L. Hammond.)

Q. And where did the conversation take place?

A. It was between the Number 1 seed house and the oil mill.

Q. Who, if anyone, was present besides yourself and Mr. Gilmore?

A. I don't know if there was anyone. There could have been, but I don't remember anyone.

Q. Will you kindly state the substance of the conversation?

A. He said that the dust was getting the best of him, and he didn't think that after we got through milling, or the mill closed down, he would work in the mill any more. [2627]

Mr. Mouritsen: This conversation was with Gilmore, isn't that right?

Mr. Wingrove: Yes.

Q. Was this 1938 or 1937 you are talking about, Mr. Hammond?

A. It was in May, 1938.

Trial Examiner Lindsay: Just a minute. Off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: Will you read back the testimony, starting several questions back, Mr. Reporter?

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove): Mr. Hammond, can you straighten this up? You testified a moment ago you were talking about a conversation two or three days before May 17th.

(Testimony of Gordon L. Hammond.)

A. This was the only one.

Trial Examiner Lindsay: Was it before the 17th of May, or was it in September?

The Witness: It was in May.

Trial Examiner Lindsay: And you didn't have any talk in September?

The Witness: No; he wasn't there in September.

Q. (By Mr. Wingrove): You say you had a conversation with him before May 17th, as well as one on May 17th, is that correct?

A. That is right. [2628]

Q. When did the conversation before May 17th, 1938 take place?

A. I can't fix the date. It was between the 2nd and the 17th.

Q. And where did it take place?

A. It was between the oil mill and Number 1 seed house.

Q. And was anyone present besides yourself and Mr. Gilmore? A. No one that I can recall.

Q. Now, will you kindly state the substance of that conversation?

A. He said that the dust was about to get the best of him, and he didn't think he would work any more after the mill closed down at that time, which would be just a few days.

Q. Is that all that was said?

A. That is all I remember.

Q. Now, did you have any conversation with Mr. Gilmore after May 17th, 1938?

(Testimony of Gordon L. Hammond.)

A. Yes.

Q. When?

A. On the morning of the 14th or 15th of June, 1938.

Q. And where did that conversation take place?

A. In my office at the plant.

Q. Who, if anyone, was present besides yourself and Mr. Gilmore? A. No one.

Q. Will you kindly state the substance of that conversation? [2629]

A. He came in my office and asked me if I would loan him a trailer to move. I told him I would.

Q. Did he tell you where he expected to move?

A. Yes, he said he was going to move to Tulare.

Q. And did you loan him the trailer?

A. I did.

Q. I will ask you, Mr. Hammond, to state as to whether or not Mr. Joe Briley has continued to work at the plant since the time he left on November 18th, 1938? A. Yes, he has.

Q. How long was he away after November 18th, do you recall?

A. Well, I believe he was back the next day. I don't know if I can give the dates.

Q. Did he come back and ask you as to whether or not you had work for him? A. Yes.

Q. And has he worked since that time?

A. Yes, he has.

Q. Steadily, or just at various intervals when work was available?

(Testimony of Gordon L. Hammond.)

A. As work was available.

Q. You stated, I believe, Mr. Hammond, that Mr. Gilmore worked to May 17th, 1938, is that correct? A. Yes.

Q. Was that the last time that he worked for the Company? [2630] A. Yes.

Q. Has he ever applied for work since that day? A. No, he has not.

Q. You testified yesterday, Mr. Hammond, that you had notified both Mr. W. R. Johnston and Mr. Stephen Griffin on the morning of November 17th, 1938, that there would be no more work for them after that day for a few days, is that correct?

A. That is right.

Q. Will you kindly explain why these two men were laid off on November 17th, 1938?

A. We didn't have enough work to carry them.

Q. What kind of work had they been engaged in, what were they doing—withdraw the question.

What type of work were they doing on November 17th, 1938?

A. They were doing odd jobs, three or four jobs.

Q. What type of work had they been doing before that, a few days before that?

A. The same kind of work all along.

Q. Had they been handling any of the planting seed? A. Yes, they had.

Q. About how much of their time had they been devoting to the handling and hauling of planting seed?

(Testimony of Gordon L. Hammond.)

Mr. Mouritsen: Does this refer to Steve Griffin and W. R. Johnston?

Mr. Wingrove: I will ask the question—both of them. [2631]

Mr. Mouritsen: I will object to any question in that respect regarding Steve Griffin. We went into that very exhaustively yesterday with some time cards that took up some time to put in the record.

Mr. Clark: Yes. Those cards indicate what work Mr. Griffin did, exactly.

Trial Examiner Lindsay: Yes.

Mr. Wingrove: I will eliminate Mr. Griffin then.

Q. I will ask you approximately what portion of his working time was devoted by Mr. Johnston to the hauling or sacking of planting seed during the time immediately prior to November 17th, 1938?

A. Well, I don't believe I can say just what proportion of the time. He helped haul seed; he helped haul bales. He helped tie up cotton. He worked just wherever we had work for him, anywhere around the plant, in the yard; helped load cotton.

Mr. Wingrove: May I have just a moment?

Trial Examiner Lindsay: We will take a recess now. A ten minute recess.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order. You may proceed.

(Testimony of Gordon L. Hammond.)

Q. (By Mr. Wingrove): Am I correct in my understanding, Mr. [2632] Hammond, that Mr. W. R. Johnston, during the time immediately prior to the time he was laid off November 17th, 1938, had been doing just odd jobs about the plant?

A. Yes.

Q. And on November 17th, 1938, I believe the stipulation shows and you testified that practically all of the planting seed that was being laid aside for the 1939 season had been sacked and hauled, except there were a few sacks in the yard which hadn't been hauled. Is that correct?

A. Yes, practically all.

Q. What was the reason, then, that Mr. Johnston was laid off on November 17th, 1938?

A. We didn't have work that would justify keeping him.

Q. Was Eugene Clark Ely discharged on or about January 30th, 1939, Mr. Hammond?

A. No.

Q. He left work on that date, did he not?

A. I believe that is about the date, yes.

Q. Will you kindly state the circumstances under which he left work?

Mr. Mouritsen: I will object to that as calling for a conclusion of the witness. If this witness had any conversation with him, let's have the conversation.

Mr. Wingrove: Well, I will withdraw the question and re-frame it. [2633]

(Testimony of Gordon L. Hammond.)

Q. Did you have any conversation with Mr. Eugene Clark Ely on January 30th, 1939?

A. Yes, I did.

Q. And where was the conversation?

A. That was in the front office, the front room of the office of the plant.

Q. Who, if anyone, was present besides yourself and Mr. Ely?

A. I believe Mr. Carr was there. I don't know if he heard the conversation or not.

Q. Will you kindly state the substance of the conversation?

A. I was talking on the telephone at the time he came in, I believe, when I first noticed him, and when I got through he said that Mr. Lloyd—he said that there wasn't any more work. I told him then we would go load some cotton, and went on out the front door across the road to where we were loading; and when I got over there he wasn't with me. That was the only conversation we had.

Mr. Mouritsen: May I have that last part of the answer? I couldn't hear it.

Trial Examiner Lindsay: Yes. Read the answer.

(The answer referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove): Do I understand, then, Mr. Hammond, that you did have further work available loading cotton, and you asked him to come load cotton? [2634]

(Testimony of Gordon L. Hammond.)

Mr. Mouritsen: I object to this as leading the witness and already asked and answered.

Trial Examiner Lindsay: Yes. The answer is already in.

Q. (By Mr. Wingrove): Did Mr. Ely go to work then loading any cotton?

A. No, he didn't.

Q. What did he do, if you know?

A. I don't know.

Q. Has he ever applied for work since that time?

A. No, he hasn't.

Q. Mr. Hammond, I believe you already testified that after Mr. Gilmore stopped working for the Company on May 17th, 1938, he never applied for work after that date; is that correct?

Mr. Mouritsen: Objected to as calling for a conclusion of the witness.

Mr. Wingrove: I believe he did, but I wanted to make sure. [2635]

Mr. Mouritsen: If he has, it is already in there.

Trial Examiner Lindsay: If he did or did not apply to this witness, that is the question.

Mr. Mouritsen: Surely. That is the proper question.

Mr. Wingrove: I will reframe the question.

Q. Did Mr. Gilmore ever apply to you for work after he left the employ of the company on or about May 17, 1938? A. No.

Q. Did Mr. W. R. Johnston ever apply to you for work after he left the employ of the company on or about November 17, 1938?

(Testimony of Gordon L. Hammond.)

A. No, he did not.

Q. Did Stephen J. Griffin ever apply to you for work after he left the employ of the company on or about November 17, 1938?

A. No, he did not.

Q. Did Boyd Ely ever apply to you for work after he left the employ of the company on or about November 15, 1938?

A. No.

Q. Did Walter Winslow ever apply to you for work after he left the employ of the company on or about November 15, 1938?

A. No, he did not.

Q. Did E. L. Ely—I withdraw that question.

Did George J. Andrade ever apply to you for work after the time that he left the plant on or about November 18, [2636] 1938?

A. No, he did not.

Q. Did O. L. Farr ever apply to you for work after the time he left the employ of the company on or about November 18, 1938?

A. No.

Q. Did R. K. Martin ever apply to you for work after the time he left the employ of the company on or about November 18, 1938?

A. No, he did not.

Q. Did E. C. Powell ever apply to you for work after the time that he left the employ of the company on or about November 18, 1938?

A. No, he did not.

Q. Did L. A. Spear ever apply to you for work

(Testimony of Gordon L. Hammond.)

after the time that he left the employ of the company on or about November 18, 1938?

A. No, he did not.

Q. Did H. N. Wingo ever apply to you for work after the time he left the employ of the company on or about November 18, 1938?

A. No, he did not.

Q. Mr. Hammond, you testified yesterday that July was the first time you had heard any report at all about the union. Do you remember that testimony? [2637]

A. I do.

Q. At that time had you heard any report or rumor that Mr. Gilmore was engaged in union activities?

A. No, I never did.

Mr. Wingrove: May I have just a moment, Mr. Examiner, please?

Trial Examiner Lindsay: Yes.

(Conference between counsel.)

Q. (By Mr. Wingrove): Mr. Hammond, have you made any investigation of the company's records for the purpose of ascertaining the date on which Mr. Vernon M. Rood was first employed by the company?

A. Yes, I have.

Q. Mr. Hammond, I will hand you a document and ask you to kindly state if you have seen that document before.

A. (Examining document.)

Trial Examiner Lindsay: Have it marked for identification.

(Testimony of Gordon L. Hammond.)

Mr. Wingrove: I will ask that all three of these documents which I hold in my hand be marked for identification as Respondent Boswell's Exhibits next in order.

(Thereupon the documents above referred to were received and marked for identification as Respondent Boswell's Exhibits 23(a), (b), and (c).)

Q. (By Mr. Wingrove): I will hand you Respondent Boswell's [2638] Exhibit 23(c)—withdraw that.

I will hand you Respondent Boswell's Exhibit No. 23(a) for identification and ask you to state, Mr. Hammond, what that exhibit is, that paper is.

A. That is a payroll of Vernon M. Rood.

Mr. Mouritsen: May I have it just a little louder, please?

Trial Examiner Lindsay: Speak up, will you, Mr. Hammond?

The Witness: Yes.

Trial Examiner Lindsay: I am sitting right here and I didn't even get that name.

The Witness: That is the payroll, work sheet of Vernon M. Rood for 1936.

Q. (By Mr. Wingrove): That is the social security record? A. It is.

Q. Where did you obtain that information, Mr. Hammond? A. Yes.

Q. I say where did you obtain it?

A. Where? From the Los Angeles office.

(Testimony of Gordon L. Hammond.)

Q. And were you informed that that was the original social security record for Mr. Rood during the period therein specified? A. Yes.

Q. And you obtained that from the Los Angeles office yesterday? [2639]

A. Yes.

Mr. Wingrove: At this time I will offer Respondent Boswell's Exhibit 23(a) for identification in evidence.

Mr. Mouritsen: May I ask a couple of questions on voir dire?

Mr. Wingrove: Surely.

Mr. Mouritsen: Did you make any request for an original record from the Los Angeles office?

The Witness: Yes, I did.

Mr. Mouritsen: And you requested that they send you the original record of Vernon M. Rood for 1936, is that correct?

The Witness: No, for back records. I didn't know. I knew he had worked but I didn't know whether it was '37 or '36.

Mr. Mouritsen: No objection.

Trial Examiner Lindsay: Boswell's 23(a) received in evidence.

(Thereupon the document above referred to was received in evidence and marked Respondent Boswell's Exhibit No. 23(a).)

EMPLOYEE NO. 3

NAME
ADDRESS
CHANGE
DATE
OF BIRTH
DATE
EMPLOYMENT CONTRACT
MADE IN STATE OF

1/12/06 PLACE LOVELAND, COLO
DATE 8/13/53 TYPE WORK WAREHOUSE

RATE \$ 70 PER HR.

WORK DONE
IN STATE OF

CALIFORNIA

AGE 29 DATE BECAME SS 1971
STEADY ☐ TEMPORARY ☐ FULL TIME ☐ PART TIME ☐ RETY ☐
WORK DONE IN DISTRICT

COR 333A

DATE PERIOD ENDS	WORKED		TIME LOST		PAY-ROLL RECORD										DEDUCTIONS	
	DATE	HRS.	TIME	# WHY	SALARY OR WAGES		OTHER COMPENSATION		ALLOWANCES OR EXPENSES		UNEMPLOY. INSURANCE		OLD-AGE ANNUITY			
REF.					AMOUNT	REF.	AMOUNT	REF.	AMOUNT	%	AMOUNT	%	AMOUNT			
1-36																
1-9		99			1	2970						13				
1-16		77			2	2310						10				
1-23		79			3	2370						11				
1-30		77			4	2310						10				
2-6		77			5	2310						10				
2-13		77			6	2160						10				
2-20		74			7	2220						10				
2-27		65			8	1950		19600				09				
3-5		77			9	2310						10				
3-12		68			10	2640						09				
3-19		66			11	1980		22430				09				
3-26		44			12	1320		26750				06				

RECOMMENDED FOR RE-EMPLOYMENT: YES-NO

DATE RE-EMPLOYED

REGISTERED WITH
PUBLIC EMPLOYMENT OFFICE

DISTRICT
CERTIFICATE
NUMBER

MEMO.

SUMMARY CURRENT YR. PRIOR YEARS

TOTAL EARNINGS
NO. OF WEEKS
WAGES
AVER. WEEKLY
WAGE
FULL-TIME
WEEKLY INCOME
HOURLY
RATE EARNED

UNEMPLOY. INS.
TAX DEDUCTIBLE
FED. OLD-AGE
TAX DEDUCTIBLE

(Testimony of Gordon L. Hammond.)

Q. (By Mr. Wingrove) I will now hand you Respondent Boswell's Exhibit No. 23(b) for identification, and ask you to state what that document is, Mr. Hammond.

A. That is for the same purpose, for H. N. Smith.

Q. And did you obtain that social security record for H. N. Smith under the same circumstances that you obtained Boswell's [2640] Exhibit 23(a)?

A. I did.

Mr. Wingrove: I will offer Boswell's Exhibit No. 23(b) for identification in evidence.

Trial Examiner Lindsay: 23(b) received.

(Thereupon the document above referred to was received in evidence and marked Respondent Boswell's Exhibit No. 23(b).)

PHONE CHANGE NO. OF DEPENDENTS
FEMALE ☐ MARRIED ☐ SINGLE ☒ YEARS IN STATE COLOR
FULL TIME ☐ PART TIME ☐ DEPT. FULL-TIME WEEKLY HOURS

[illegible]

(Testimony of Gordon L. Hammond.)

Q. (By Mr. Wingrove) I will hand you Respondent Boswell's Exhibit 23(c) for identification and ask you to state what that is.

A. That is for the same, being Mr. Clark, Andrew Clark.

Q. And did you obtain the social security record for Mr. Andrew Clark, which you hold in your hand, under the same circumstances that you obtained Boswell's Exhibits 23(a) ?

A. Yes.

Mr. Wingrove: I will offer 23(c) for identification in evidence.

Trial Examiner Lindsay: 23(c) received.

(Thereupon the document above referred to was received in the evidence and marked Respondent Boswell's Exhibit No. 23(c).)

COMPANY
EMPLOYEE NO.

FED. U. S. PAY. DPT. STANDARD COMPENSATION RECORD

EMPLOYEE
S. S. ACCT. NO. 450-12-4298

NAME *Andrew Clark*
 ADDRESS *San Del Rosarion Calif.*
 ADDRESS CHANGE
 DATE OF BIRTH 2-3-97 PLACE OF BIRTH *Altoaga Texas*
 DATE EMPLOYED
 EMPLOYMENT CONTRACT MADE IN STATE OF

PHONE
 MALE ☒ FEMALE ☐ MARRIED ☒ SINGLE ☐ NO. OF DEPENDENTS
 AGE 40 BECOMES SS 1962 YEARS IN STATE
 STEADY ☐ TEMPORARY ☐ FULL PART
 WORK DONE IN DISTRICT DEPT. FULL-TIME WEEKLY HOURS

LINE NO.	DATE PERIOD ENDS	WORKED		TIME LOST	PAY-ROLL RECORD				TOTAL TAXABLE EARNINGS	DEDUCTIONS			TAX STATUS	
		DAYS	HRS.		TIME	DAYS	SALARY OR WAGES			OTHER COMPENSATION	ALLOWANCES OR EXPENSES	UNEMP. INS.		OLD-AGE ANNTY
							REF.	AMOUNT		REF.	AMOUNT			
1	2-30													
2	10-7												SUBJECT TO STATE UNEMPLOYMENT INSURANCE?	
3	14												WHY EXEMPT?	
4	21												SUBJECT TO FEDERAL UNEMPLOYMENT INSURANCE?	
5	28												WHY EXEMPT?	
6	11-4												SUBJECT TO FEDERAL OLD-AGE ANNUITY?	
7	11												WHY EXEMPT?	
8	18												IN CASE OF ACCIDENT NOTIFY:	
9	25												NAME	
10	12-2												ADDRESS	
11	9												PHONE	
12	16												RELATIONSHIP	
13	23												RATE CHANGES	
14	25												DATE	
15	31												TYPE OF WORK	
16	1/38												Rate Per	
17	1-6												R.T. By	
18	14													
19	20													
20	27												TERMINATION OF EMPLOYMENT	
21	2-3												DATE	
22	10												REASON:	
23	17												INELIGIBLE FOR UNEMPLOY. COMPENSATION <input type="checkbox"/>	
24	24												REASON:	
25													RECOMMENDED FOR RE-EMPLOYMENT, YES-NO.	
26													DATE RE-EMPLOYED	
27													REGISTERED WITH PUBLIC EMPLOYMENT OFFICE	
28													DISTRICT CERTIFICATE NUMBER	
29													MEMO.	
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(Testimony of Gordon L. Hammond.)

Q. (By Mr. Wingrove) Am I correct in understanding this, Mr. Hammond, that Mr. Rood was employed by the J. G. Boswell Company as early as January 1936?

Mr. Mouritsen: I object to the form of the question. It is immaterial whether Mr. Wingrove has any understanding [2641] in the matter or not. The facts are in and I understand that the exhibit is already in. We haven't contested the authenticity of the exhibit.

Mr. Wingrove: I will withdraw the question.

Q. Did Mr. Vernon M. Rood work for the J. G. Boswell Company as early as January 1936?

Mr. Mouritsen: I object to the question——

Mr. Wingrove (Interrupting): Or in January of '36?

Mr. Mouritsen (Continuing): ——as better evidence is already before the Trial Examiner.

Trial Examiner Lindsay: Sustained.

Off the record.

(Discussion outside the record.) [2642]

Trial Examiner Lindsay: You may proceed.

Q. (By Mr. Wingrove) Mr. Hammond, I will ask you, then—I withdraw that question.

I will call your attention to Respondent Boswell's Exhibit 23-A, and to the fact that there is a notation on the top "Type of Work, Warehouse. Rate, 30 Per Hour," and I will ask you to explain the nature of the work which Mr. Rood was doing during that particular period of time in the warehouse, if you recall?

(Testimony of Gordon L. Hammond.)

A. (Examining document) It is just general work. It could be doing stacking or trucking, hand truck, or it could be sewing sacks.

Q. What I am particularly interested in, Mr. Hammond, is finding out as to whether or not that work referred to as work in the warehouse was work in connection with the oil mill at the plant, or whether it was in connection with some other operation?

A. Well, the warehouse and the oil mill are tied in together, not necessarily being in the mill alone, although the warehouse—the men employed in the warehouse are paid from the account of the oil mill. It would show——

Trial Examiner Lindsay (Interrupting): From the record that you now hold in your hand, can you specifically tell what particular type of work an individual was doing on a specific day? [2643]

The Witness: No, I couldn't. There are three or four things he could be doing.

Q. (By Mr. Wingrove) Well, is it your recollection, then, that this was in connection with work in connection with the oil mill when it says "Type of Work, Warehouse?" A. Yes.

Q. And the rate, "30 per hour," refers to 30 cents per hour, is that correct?

A. That is correct.

Q. Mr. Hammond, have you made any investigation for the purpose of ascertaining from the records when Mr. Y. Galvan was first employed by the J. G. Boswell Company?

(Testimony of Gordon L. Hammond.)

A. Our records don't show that far back. He went to work in——

Mr. Mouritsen (Interrupting): This is purely voluntary.

Trial Examiner Lindsay: Yes. Answer the question.

Did you make that investigation?

The Witness: I did.

Trial Examiner Lindsay: All right.

Mr. Wingrove: Excuse me a moment, Mr. Examiner.

(Conference between counsel.)

Q. (By Mr. Wingrove) Well, do you recall the date which you ascertained as being the first date Mr. Y. Galvan was first employed by the Company?

A. No, I don't have that date.

Q. I will hand you a paper, Mr. Hammond, and ask you as to [2644] whether or not that was a memorandum which you made at the time you investigated as to the dates of employment of Y. Galvan and various other employees?

A. (Examining document) Mr. Carr made this up.

Mr. Mouritsen: Now, may I ask if a memorandum referring to Y. Galvan is the only thing that appears on that memorandum?

Mr. Wingrove: I——

Mr. Mouritsen (Interrupting): Isn't it a matter of fact that it contains a list of some 13 or 14 employees?

(Testimony of Gordon L. Hammond.)

The Witness: Yes, or more.

Mr. Mouritsen: And isn't it a fact that the examination is only referring to one individual at this time, and counsel is showing the witness a memorandum of some 13 or 14 different employees?

Q. (By Mr. Wingrove) I desire to direct your attention more particularly, Mr. Hammond, to the name "Y. Galvan," which appears on the second line from the top of the sheet.

Mr. Mouritsen: I object to the showing to the witness of a memorandum at this time for the purpose of refreshing his memory when it hasn't been demonstrated that his memory has been exhausted in that regard. [2645]

Mr. Wingrove: Mr. Examiner, he testified he couldn't recall, and made the investigation, but couldn't recall the date. And I am now showing him the memorandum which he says he had made.

Trial Examiner Lindsay: Well, I would like to know where the memorandum comes from and how it was made.

Mr. Wingrove: Yes.

Q. Just explain to the Examiner, Mr. Hammond, how you happened to have that memorandum made.

A. That is as far back as 1936 as the records in the office show. Y. Galvan—he went to work for the company—

Trial Examiner Lindsay (Interrupting): Wait a minute. The question is, "Where did you get this

(Testimony of Gordon L. Hammond.)

information that is on that memorandum which you are now using to refresh your recollection?"

The Witness: From the Corcoran office.

Q. (By Mr. Wingrove) When did you have that memorandum prepared?

Mr. Mouritsen: I object to that as assuming facts not in evidence, namely, that the witness prepared it or has prepared it.

Mr. Wingrove: Pardon me. I understood the witness to state—and I am confident he did—that he had this prepared.

Trial Examiner Lindsay: Let's have the witness testify. [2646]

Mr. Wingrove: I will go over it again.

Q. Did you have someone in the J. G. Boswell Company office in Corcoran prepare that memorandum? A. I did.

Q. And who was it that you had that memorandum prepared by? A. Mr. Carr.

Q. Who is Mr. Carr?

A. He is one of the bookkeepers there in the office.

Q. And what instructions did you give him at the time of asking him to prepare the memorandum, if any?

A. I asked him to look up the dates of their beginning employment and the finish and the times that they were off between.

Mr. Mouritsen: May we have "they" explained? When "they" started and when "they" finished.

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: Yes, what do you mean by "they"?

The Witness: This list of names (indicating).

Q. (By Mr. Wingrove) And when was this memorandum prepared, Mr. Hammond? When did you get it from Mr. Carr?

A. Saturday afternoon.

Q. Last Saturday afternoon?

A. That is right.

Trial Examiner Lindsay: Now, off the record a minute.

(Discussion off the record.) [2647]

Q. (By Mr. Wingrove) Mr. Hammond, after referring to that memorandum——

Mr. Mouritsen (Interrupting): Mr. Examiner, at this time I am going to object to the witness refreshing his memory with such a memorandum. It is not a memorandum that was made by himself, and was not made at or about the time that such an incident occurred to which he is referring. It is, as I understand it, an excerpt from original records that are available. I submit that it is not a proper use of a memorandum for that purpose, refreshing his memory.

Trial Examiner Lindsay: May I see that just a minute?

(The document referred to was passed to the Trial Examiner.)

Trial Examiner Lindsay: For the time being,

(Testimony of Gordon L. Hammond.)

I am going to sustain the objection. You may go on further, Mr. Wingrove.

Mr. Wingrove: On the ground it is not the original record? Is that the ground?

Trial Examiner Lindsay: I did not say that. I say you may question him further.

Q. (By Mr. Wingrove) Mr. Hammond, you said Mr. Carr is one of the bookkeepers in the office of the J. G. Boswell Company plant?

A. Yes, sir, he is.

Q. And is he in charge of the payroll records of the plant?

A. Oh, I don't know if he is in charge. He helps with them. I think Mr. Brenes is in charge. [2648]

Mr. Mouritsen: Mr. Brenes?

The Witness: Yes.

Mr. Mouritsen: B-r-e-n-e-s?

The Witness: I believe so.

Q. (By Mr. Wingrove) Is Mr. Carr assistant bookkeeper, assistant to Mr. Brenes?

A. He assists, yes.

Q. And you asked him, as I understand, to check the payroll records in the office, did you not?

A. I did.

Q. As to these particular men whose names appear on this memorandum?

Mr. Mouritsen: I object to that as vague and indefinite. He is questioning regarding a number of men whose names are not before the hearing in that regard. We know nothing about these men whose names appear on it. I will object——

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay (Interrupting): You have one individual.

Mr. Wingrove: I am directing attention to one individual, but Mr. Mouritsen raises the point that there are other names appearing on this memorandum.

Trial Examiner Lindsay: Just use the name you are working on now.

Mr. Wingrove: Very well.

Q. Did you instruct Mr. Carr to check the payroll records of [2649] Y. Galvan and give you a memorandum as to—showing what the records disclose with regard to the earliest date that Mr. Y. Galvan was employed by the Company and with regard to the nature of the work at which he was first employed? A. I did.

Q. And did Mr. Carr thereafter hand you this memorandum pursuant to those instructions?

A. Yes.

Q. And he handed it to you, as I believe you stated, last Saturday?

A. Saturday afternoon.

Q. And are the original records, payroll records of Mr. Y. Galvan contained in the Corcoran office where they are accessible to Mr. Carr, the assistant bookkeeper? A. Yes, they are.

Q. I will now ask you to state, Mr. Hammond, referring to this memorandum, as to when Mr. Y. Galvan was first employed by the J. G. Boswell Company?

Mr. Mouritsen: I will object to the witness be-

(Testimony of Gordon L. Hammond.)

ing given that memorandum for the purpose of refreshing his memory upon the ground it is an improper method of examining a witness. I want the record to show that the witness had the memorandum in his possession during the several minutes that we had a recess or an off-the-record discussion a few minutes ago.

Mr. Wingrove: That is an incorrect statement, because he [2650] didn't have it in his hand. Mr. Robinson brought it in here and gave it to me, and I didn't even show it to Mr. Hammond.

Mr. Mouritsen: I am not referring to the recess, but the off-the-record discussion we just had a few minutes ago, as the record will indicate.

Trial Examiner Lindsay: Yes, I understand what you meant.

Mr. Wingrove: I think, Mr. Examiner, the witness is entitled to refresh his memory from memoranda which he had prepared by a man in the office under his instruction, and from the records in the office.

Trial Examiner Lindsay: Off the record just a moment.

(Discussion outside the record.)

Q. (By Mr. Wingrove) I will ask you, Mr. Hammond, as to whether or not you furnished the information to the bookkeeper from which this memorandum was compiled?

A. I only furnished him with the names.

Q. No. I mean originally, did you furnish the

(Testimony of Gordon L. Hammond.)

information with respect to the time that Mr. Y. Galvan went to work at the Company's plant at Corcoran?

A. Yes, I furnished that information.

Q. Do you know whether or not the data contained on this memorandum with regard to Mr. Y. Galvan was compared with the original records based on information you furnished?

A. No, I don't know that. I didn't compare it myself.

Mr. Wingrove: You didn't compare it yourself. I thought [2651] that would be the answer.

Mr. Clark: I suggest that we bring in the original records.

Mr. Mouritsen: I think that would be preferable.

Trial Examiner Lindsay: All right. You may examine him on something else.

Mr. Wingrove: Mr. Examiner, that was the last matter I had to examine him on, the information concerning certain of these men. I can ask him some general questions on the subject.

Trial Examiner Lindsay: If you wish to withhold further questioning until you get that document in here, you may do so.

Mr. Wingrove: I will ask him the questions, all except the dates when they first went to work.

Q. Was Y. Galvan also referred to as Ygnacio Galvan? A. Yes, that is right.

Q. And when he first came to work for the Com-

(Testimony of Gordon L. Hammond.)

pany, the date of which time you do not recall, what type of work was he doing for the Company? What operation was he employed in?

A. He was employed in the mill.

Q. Was A. Galvan employed by the Company—
withdraw the question.

Did Mr. A. Galvan work for the Company prior to November 18th, 1938? [2652]

A. Yes, he did.

Q. Do you recall for approximately how long prior? A. Ten years.

Q. And A. Galvan is one and the same as Andrew Galvan, is he not? A. That is right.

Q. And when he first came to work for the Company, in what operation was he employed?

A. I don't remember just now. I believe, though, in the gins.

Q. Did he do any work at the oil mill before November 18th, 1938? A. He has. [2653]

Q. Did P. Galvan work for the company prior to November 18, 1938? A. Yes.

Q. P. Galvan is one and the same as Peter Galvan, is he not? A. That is right.

Mr. Mouritsen: I object to this manner of testifying by counsel. If the witness knows, there is a proper way to examine him. I have no doubt it is probably the case, but counsel is, in effect, destroying the effectiveness of any evidence that this witness is giving by such a manner of examining.

Trial Examiner Lindsay: Well, there has been

(Testimony of Gordon L. Hammond.)

just too much of leading questions all through this hearing and I have repeatedly called attention to that fact. That isn't even fair to a witness. Let us let the witness testify.

Mr. Wingrove: Very well.

Q. Do you know Mr. P. Galvan's first name?

A. No, I don't other than Peter Galvan. That is all I know.

Q. Now, when he was first employed by the company what operation was he employed in connection with?

A. In the mill operations, I believe.

Q. Was Mr. L. Galvan employed by the company prior to November 18, 1938?

A. Yes. [2654]

Q. Approximately how long prior, if you recall?

A. Oh, some five or six years.

Q. Do you know what the initial "L" stands for?

A. Lawrence, I believe.

Q. What type of operation was he employed in connection with when he first came to work with the company, if you recall?

A. In the mill operation.

Q. Mr. Hammond, I am going back to P. Galvan again for a moment and ask you how long prior to November 18, 1938, was it that Mr. P. Galvan was first employed by the company, to the best of your recollection?

A. Six or seven years.

Q. Was V. C. Galvan employed by the company prior to November 18, 1938?

(Testimony of Gordon L. Hammond.)

A. Yes, he was.

Q. Do you recall approximately for what period of time prior to that day?

A. Some two years.

Q. And when he was first employed or during that two-year interval, can you state what operation he was employed in? A. In the mill.

Q. Was M. Escabedo employed by the company prior to November 18, 1938? A. Yes, he was.

Q. Approximately how long before that date, if you recall? [2655]

A. Three or four years.

Q. And in what type of operation was he employed? A. In the mill.

Q. Will you kindly—I withdraw that question.

Mr. Hammond, we have in evidence as Respondent Boswell's Exhibit 23(c) the social security record of Andrew Clark commencing September 30, 1937. Will you kindly state what operation Mr. Clark was employed in at the time he first went to work—at this particular date of September 30, 1937?

A. He went to work at odd jobs. He went to work as a carpenter.

Q. Did he ever do any work in the gins?

A. Very little.

Q. We have in evidence as Respondent Boswell's Exhibit 23(b) the social security record of H. M. Smith showing that he commenced work September 30, 1937. Will you kindly state the op-

(Testimony of Gordon L. Hammond.)

eration in which he was employed on that date?

Mr. Mouritsen: I object to counsel reading into the record something that is already in the record, due to the fact that it is an exhibit, making the statement, and asking the question.

Is the witness supposed to agree with the statement of counsel or is counsel merely testifying, or what is it? I object to the form.

Trial Examiner Lindsay: Sustained. [2656]

Q. (By Mr. Wingrove) What type of work was Mr. H. M. Smith engaged in at the time he was first employed by the J. G. Boswell Company?

A. He worked at odd jobs, sacking, hauling and planting seed, loading cotton, hauling bales.

Q. Did he perform any work in the gins?

A. I don't believe so.

Q. Was Joe Melton employed by the company prior to November 18, 1938?

A. That date I didn't catch.

(The question referred to was read by the reporter, as set forth above.)

The Witness: Yes, he was.

Q. (By Mr. Wingrove) Approximately how long prior to that date, if you recall?

Mr. Mouritsen: I object to the question on the ground it is ambiguous as to whether it means his initial employment or how long the duration of his employment was.

Trial Examiner Lindsay: Yes. Which is it, Mr. Wingrove?

(Testimony of Gordon L. Hammond.)

Mr. Wingrove: I will reframe the question.

Q. Will you state if you recall approximately how long Mr. Joe Melton worked for the company prior to November 18, 1938?

Mr. Mouritsen: I object on the ground it is the same question. It doesn't give us an opportunity to determine [2657] whether he is referring to the initial employment or the duration of the employment that Mr. Melton had with the company.

Mr. Wingrove: How long is duration?

Trial Examiner Lindsay: Off the record a moment.

(Here followed discussion off the record.)

Trial Examiner Lindsay: He may answer.

Do you know what question he gave you now?

The Witness: I don't know if I understand it.

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Do you know what the question means?

The Witness: I believe so.

Trial Examiner Lindsay: You may answer.

The Witness: 35 or 40 days.

Q. (By Mr. Wingrove) And what type of work was he employed at, if you know?

A. Operating a cotton drier.

Mr. Clark: May we have that answer, please?

Trial Examiner Lindsay: Yes. Read the answer.

(The answer referred to was read by the reporter, as set forth above.)

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: Keep your voice up. [2658]

Q. (By Mr. Wingrove) Was Fred Matthews employed by the company prior to November 18, 1938?

A. Yes, he was.

Q. Do you recall approximately when it was that he was first employed?

A. Some time in May 1938.

Q. And what type of work was he placed at when he was first employed?

A. Cleaning up around the plant.

Q. Did he do any work in connection with the mill?

A. He has, yes.

Q. Did Lee Chestnut ever at any time work for you at the J. G. Boswell Company plant?

A. No, he did not.

Q. Did Al Chestnut at any time work for you at the J. G. Boswell Company Corcoran plant?

A. No.

Q. Did Walden Bunker ever work for you at the J. G. Boswell Company's Corcoran plant?

Mr. Mouritsen: Now, may I have the question clarified as to what counsel means by "working for you"? Is that personally or work in the plant, or what?

Trial Examiner Lindsay: Do you refer to the company?

Mr. Wingrove: Yes, working under Mr. Gordon Hammond's supervision at the plant at Corcoran. [2659]

(Testimony of Gordon L. Hammond.)

Mr. Mouritsen: All right.

Trial Examiner Lindsay: All right.

The Witness: No, he did not work in the plant.

Q. (By Mr. Wingrove) Do you know where he did work, if at all? A. Well——

Mr. Mouritsen (Interrupting): That is objected to as immaterial, then.

Mr. Wingrove: Well, he didn't work at the plant, but I have a right to establish where he did work.

Trial Examiner Lindsay: Well, if you frame your question properly.

Q. (By Mr. Wingrove) Do you know if Mr. Walden Bunker did work for the J. G. Boswell Company at any time?

A. Why, he is a cowboy. He works for a Mr. W. W. Boswell; and if I understand it, it would be for the company also.

Mr. Mouritsen: May I have that answer read?

(The answer referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove) I believe you testified, did you not, that he never worked at the Corcoran plant that you have charge of?

Mr. Mouritsen: Objected to as already asked and answered.

Trial Examiner Lindsay: Oh, it has been answered, but let him answer it again. [2660]

Did you answer that again?

The Witness: He did not.

Q. (By Mr. Wingrove) Did Leland Douglas

(Testimony of Gordon L. Hammond.)

Caffell—did he ever work under your supervision at the Corcoran plant of the J. G. Boswell Company at any time?

A. No, he did not.

Q. Do you know as to where he was employed by the J. G. Boswell Company, if at all?

A. He is a cowboy. I don't know just where he worked.

Q. Subsequent to November 18, 1938, was Mr. H. A. Champane employed by you at the Corcoran plant?

A. Since November 18th?

Q. Yes? A. Yes.

Q. Do you recall approximately when he was employed?

A. About March 11th or 12th, 1939.

Q. And in connection with what operation was he employed? A. He is a welder.

Q. And where did he work?

A. In the welding shop, blacksmith shop.

Q. And how long did he work?

Mr. Mouritsen: This is all in Board's Exhibit 3.

Mr. Clark: The fact that he is a welder isn't.

Trial Examiner Lindsay: He has it in the record.

Q. (By Mr. Wingrove) Well, he is still employed there, Mr. [2661] Hammond?

A. He is there today, yes. There have been times he has been off.

Q. Did Charles A. Crye ever work under your supervision at the Corcoran plant?

(Testimony of Gordon L. Hammond.)

A. No, he did not.

Q. Do you know where he did work if he did work for the company or any of its affiliates?

A. Oh, I don't know where he worked. He worked for the Malga Company, that is, a ditch, in the Chamberlain ranch.

Q. Will you kindly tell us where the Chamberlain ranch is, if you know?

A. To the north of Corcoran, west and south of Guernsey.

Q. And do you have anything to do with the Chamberlain ranch? A. No.

Trial Examiner Lindsay: Does the Boswell Company own that ranch?

The Witness: I believe so. I am not sure. I would say so.

Q. (By Mr. Wingrove) Was John Watson ever employed under your supervision at the Corcoran plant of the company?

A. No, he was not.

Q. Do you know as to whether or not he ever did any outside work or worked any place for the company or any of its affiliates? [2662]

A. He worked at the same place.

Q. What do you mean by the same place?

A. Where Crye works.

Q. And that is the Chamberlain ranch?

A. Yes.

Mr. Mouritsen: May we have that part of the question of counsel cleared up as to what is meant by the company or any of its affiliates? [2663]

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: Yes. There is one of your questions that isn't right, there.

Will you read back the question about any of the affiliates?

(The question referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: What do you mean by that?

Mr. Wingrove: I mean any of its outside operations in which he might be engaged directly or indirectly.

Trial Examiner Lindsay: Do you understand the question?

The Witness: I believe so.

Trial Examiner Lindsay: Now, the last question.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove) Well, did Mr. Crye, to your knowledge, ever work at the Boswell Company's plant in Corcoran?

A. No, he did not.

Q. Did Mr. Watson to your knowledge ever work with the Boswell Company plant at Corcoran?

A. No.

Mr. Wingrove: You may examine.

Trial Examiner Lindsay: I think we will have a five minute recess.

(At this point a short recess was taken, after which proceedings were resumed, as follows.) [2664]

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: Hearing called to order.

Mr. Wingrove: Mr. Examiner, may I ask the witness two or three more questions?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Wingrove) Mr. Hammond, do you know whether or not Mr. Harry Rickman was employed at the J. G. Boswell Company plant at Corcoran subsequent to November 18th, 1938?

A. No, he wasn't.

Q. Do you know where he was employed, if he was employed by the Company in connection with the operations?

A. November——

Q. (Interrupting): I say, do you know where Mr. Rickman was employed, if in fact he was employed by the Company in connection with any of its operations?

A. He drives a bulldozer at District 749 on the levee since about March 11th or 12th, 1939.

Q. That is some outside work for the Company, is it?

A. The Company pays his payroll.

Q. Well, will you kindly state where this District 749 is located?

A. It is out on the lake, under water at the present time.

Q. That is the only place that Mr. Rickman has worked, so far as you know; is that correct?

A. Yes, that is right.

Q. Can you state approximately how long prior

(Testimony of Gordon L. Hammond.)

to November [2665] 18th, 1938, Y. Galvan worked for the Company at the Corcoran plant?

A. Ten or eleven years.

Q. I believe you have testified that Mr. Champane was employed as a welder in the shop sometime in March, 1939.

Will you kindly state as to whether or not any of the men named in the amended complaint on file in this present proceeding are qualified to perform the same type of work which is being performed by Mr. Champane?

Mr. Mouritsen: I object to that on the ground it is incompetent, irrelevant and immaterial, compound and complex; calls for a conclusion of the witness, indefinite and vague.

Trial Examiner Lindsay: Well, if he knows he may answer.

The Witness: I know that they are not; they can't do welding.

Q. (By Mr. Wingrove) Is welding a specialized type of work, Mr. Hammond?

Mr. Mouritsen: Objected to as calling for a conclusion of the witness.

Mr. Wingrove: I just asked him if he knew.

Trial Examiner Lindsay: Well, if he knows whether it is or not, he may.

Do you know?

The Witness: Well, I would say it is. I am not a welder myself. [2666]

Mr. Mouritsen: What is that?

(Testimony of Gordon L. Hammond.)

The Witness: I would say it is. I can't do welding myself.

Mr. Winslow: You may examine.

Cross Examination

Q. (By Mr. Mouritsen) Mr. Hammond, you have lived in Corcoran something over 14 years, is that correct?

A. That is correct.

Q. During that period, you have been one of the leading men of the community, is that correct?

A. I don't know as—you may say so. I have lived here.

Q. I will ask you if your work at the plant, or your supervision of the work at the plant brings you into the machine shop at the plant on numerous occasions?

A. It does.

Q. And I will ask you if there isn't located in the machine shop at the plant a board upon which are posted first aid bulletins and other memoranda of the Company?

A. First aid only, I believe. I have never seen any other papers on the board other than clippings from newspapers which some of the employees have put up just for jokes on each other.

Q. Well, on occasion, haven't required announcements of the Social Security Board been placed on this board in the machine shop?

A. No, they have not. [2667]

Q. How large is that board, Mr. Hammond?

A. It is about three by four feet.

(Testimony of Gordon L. Hammond.)

Q. And, as I understand it, there are two big double doors on the side of the machine shop facing the office building, isn't that correct?

A. No, one only.

Q. Only one big double door?

A. Just one door. It isn't a double door.

Q. A sliding door?

A. That is right.

Q. And approximately ten or twelve feet long, isn't it? A. Yes, it is.

Q. And isn't this board upon which the notices you mentioned are posted, almost directly in front of that door?

A. No, it isn't quite.

Q. Perhaps two or three feet one way or the other?

A. Could be two or three or four feet to one side.

Q. But haven't you noticed that, as you walk through the door, that board upon which these notices you have mentioned are posted is almost the first thing that strikes your eye?

Mr. Clark: Objected to as calling for the conclusion of this witness as to what any other person would observe. This is obviously intended as impeachment of Mr. Louis Robinson, who said he has never noticed such a bulletin board in the machine shop. [2668]

Trial Examiner Lindsay: Just a minute. The question is very proper. It is a question which was

(Testimony of Gordon L. Hammond.)

directed directly to this man and no other witness or no other person, as I recall the question.

Will you read the question?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: He may answer that question.

The Witness: Well, it is in plain view of the door. I don't know if it would be the first thing you would notice in entering.

Q. (By Mr. Mouritsen) And isn't that bulletin board—strike that.

Isn't that board upon which these notices are posted immediately next to the door through which the employees go for supplies?

A. No. It is quite a ways from the door. It is near a window, though.

Q. And what, if any, function does that window fulfill with respect to the employees obtaining supplies?

A. There are supplies issued through that window.

Q. And is that the window through which the supply or stock man passes out supplies to the employees?

Mr. Clark: I object to that on the ground that it is indefinite; employees engaged in what, Mr. Examiner? Employees [2669] in the machine shop or somewhere else?

Trial Examiner Lindsay: Yes.

(Testimony of Gordon L. Hammond.)

Q. (By Mr. Mouritsen) To any employees—I will qualify the question to this extent—to any employees who make requests for supplies?

Do you understand that now?

A. I don't know.

Q. It is rather jumbled. I will re-frame it.

Isn't that the window through which supplies are passed to any employee who requests them from the stock clerk?

A. Yes, that is the window.

Q. Now, Mr. Hammond, how long has that board been in that position in the machine shop?

A. For some two years, I would say.

Q. And during that period—it has remained there continuously for the last two years? It has not been taken down, is that correct?

A. No, it hasn't been taken down.

Q. Now, Mr. Hammond, I believe you testified that you weren't present at the plant on November 18th, 1938, between the time of 8:30 in the morning and 7:00 o'clock at night.

Is that correct?

A. That is correct.

Q. And where were you during that time, that is, between 8:30 in the morning and 7:00 o'clock in the evening? [2670]

A. I went to Los Angeles.

Q. And did you have lunch or dinner in Los Angeles? A. San Fernando.

Mr. Clark: May I ask that the answer go out so

(Testimony of Gordon L. Hammond.)

that I can interpose an objection? The question was did you have lunch or dinner at a certain place, and I think he said yes, at San Fernando. I don't know which it is. It calls for two different answers.

Mr. Mouritsen: I will clear it up.

Q. Did you have lunch in San Fernando on that occasion? A. I did.

Q. And did you have dinner at any place on that occasion? A. At home. [2671]

Q. Now, who—strike that.

And after—did you have lunch before or after you proceeded to Los Angeles?

A. I had lunch in San Fernando—going to Los Angeles.

Q. And then you proceeded on to Los Angeles, is that correct? A. Yes.

Q. And where did you go in Los Angeles?

A. I was on 41st Street.

Q. Do you recall the address on 41st?

A. No, I don't. I could get it.

Q. Do you know about how far west did you proceed in Los Angeles?

A. That—right off of Washington Boulevard as well as I remember and a block next to Washington Boulevard.

Q. Do you recall any of the streets that run approximately north and south near Washington Boulevard?

A. Well, I am not familiar with the streets. I

(Testimony of Gordon L. Hammond.)

don't know if 41st Street runs north and south or east and west.

Q. If I tell you that 41st Street runs approximately east and west, could you tell any—could you give us the names of any of the intersecting streets near this place that you went on 41st Street?

A. No, I can't do that.

Q. Was it near Western? [2672]

A. No, I couldn't tell. I am not familiar with Los Angeles.

Q. Well, when you drove into Los Angeles did you continue along the highway—strike that.

Did you proceed to Los Angeles along Highway 99?

A. I did, and just before I crossed the railroad in Burbank I took a right-hand road there and went back into Broadway and just after we went through three tunnels. I don't know the names of the streets.

Q. And after you went through the three tunnels did you come out near the city and county buildings in Los Angeles? A. Yes.

Q. And then did you proceed west at that time?

A. I think on Main Street. I am not sure.

Q. You went down along Main Street in a southerly direction, is that correct, past the city and county buildings? A. That is right.

Q. And do you recall the street on which you turned off, if you did turn off, or did you proceed along Main Street to 41st Street?

(Testimony of Gordon L. Hammond.)

A. I went straight on Main Street, two or three intersections, and I don't know what streets they are, onto Main Street and right on out to 41st Street.

Q. The traffic is pretty bad and pretty thick along Main Street, isn't it? [2673]

A. There is quite a bit of traffic.

Q. And you proceeded slowly, I suppose——

A. (Interrupting) Rather slow, followed the traffic all of the way.

Q. And you don't recall turning—strike that.

I believe you did say that you did leave Main Street before you got to 41st Street, is that correct?

A. Yes, I did.

Q. Now, did you leave Main Street on Washington Boulevard, turn either east or west on Washington Boulevard?

A. I got to 41st Street and turned to the right and where the party was going—lived in the block near the street, the main street we were on, in the block near the street.

Q. And do you recall the main street that you were on?

A. I call it Washington Boulevard; so far as I remember that was what it was.

Q. How long did you proceed along Washington Boulevard before you turned off on to 41st Street?

A. Well, 41st Street crosses the boulevard I was on.

Q. Well, when you left Main Street did you turn to the right or to the left?

(Testimony of Gordon L. Hammond.)

A. Well, if it was—it was a little bit to the left as I remember. It is there where there are some intersections. I am not familiar with the directions but if it is either way it is to the left, very little, though. [2674]

Q. And did you cross some railroad tracks after you proceeded along this street on which you turned when you turned from Main Street?

A. Well, I crossed some railroad tracks. I don't know if it was a street car or railroad track or what. I crossed some tracks. [2675]

Q. Weren't there three or four railroad tracks, or did you cross those?

A. I can't tell that. It could have been, easy enough. I didn't notice them.

Q. Now, what did you do after you reached this address someplace on 41st Street to which you were—for which you were heading?

A. We left our party there and turned right around and came back.

Q. And will you, during the next time that we have an adjournment, obtain that address on 41st Street for us?

A. I will. I think my wife has that.

Q. Now, was this address on 41st Street the home of any relative of yours?

A. No, not a relative.

Q. Well, or of your wife's?

A. I don't think so. I couldn't say for sure.

Q. What was the name of the people who were staying at this place on 41st Street?

(Testimony of Gordon L. Hammond.)

A. The party we took there was named Benson, Venus Benson, from the State of Illinois.

Q. And do you know the name of the people who were at this address on 41st Street? Was their name Benson also?

A. No, I don't know the name of the parties there. I may be able to get that for you. [2676]

Q. And who accompanied you on that trip?

A. My mother, my sister and my wife, and two little children.

Q. Now, could we have your wife's name, please?

A. Ellen.

Q. And your sister?

A. Grover, Emily Grover.

Q. And your mother's name, please?

A. Jodie Hammond.

Q. Could you spell that, please?

A. J-o-d-i-e. That is the way I spell it. It may not be proper.

Q. And the children's names?

A. Irma Lee Hammond; Arvella Hammond.

Q. Is that A-r-v-e-l-l-a? A. Yes.

Q. Now, was—did Venus Benson accompany you? A. Yes.

Mr. Clark: What is that first name, please, Mr. Examiner?

Trial Examiner Lindsay: The witness knows.

The Witness: Venus; V-e-n-u-s.

Q. (By Mr. Mouritsen) So that in the car at that time, there was Venus Benson, Ellen Ham-

(Testimony of Gordon L. Hammond.)

mond, Emily Grover, Jodie Hammond, Irma Lee Hammond, and Arvella Hammond, and yourself; is that correct? A. Going down, yes. [2677]

Q. In whose car did you make the trip?

A. In my own.

Q. And what kind of a car is that?

A. It is a Buick.

Q. What year? A. '37.

Q. I believe you said you stopped for lunch in San Fernando, is that correct?

A. That is true.

Q. Did you do anything else while you were in San Fernando other than stop for lunch?

A. That is all.

Q. And did you make any other stops other than at San Fernando?

A. No, except traffic stops; maybe to get some gas. I believe I did stop one time for gas.

Q. And how did you drive on that occasion? Did you exceed the speed limit on any occasion?

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial, Mr. Examiner. Mr. Hammond isn't on trial for speeding or anything else.

Mr. Mouritsen: I will let him claim his immunity.

Mr. Clark: We will claim that if it has to be answered. May I have a ruling?

Trial Examiner Lindsay: He may tell how he drove.

(Testimony of Gordon L. Hammond.)

Mr. Clark: The question was did he exceed the speed limit. [2678]

I object to that on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: I said he may tell how he drove.

Mr. Clark: Counsel calls my attention to the fact there isn't a speed limit in this State, anyway. It is a question of reckless driving or not.

Q. (By Mr. Mouritsen) I will ask you, Mr. Hammond, whether on the State Highway to Los Angeles on that occasion you exceeded 40 miles per hour?

A. I may have at times. I don't know.

Mr. Clark: I object to that.

Trial Examiner Lindsay: He may answer.

Mr. Clark: All right.

Q. (By Mr. Mouritsen) In view of the fact that you had six or seven persons in the car, you drove rather slowly on that occasion, isn't that correct?

A. Not necessarily; ordinarily driving continuously. I wouldn't make any stops except when we would eat lunch that would hold us up any at all. [2679]

Q. And at what average rate of speed would you estimate that you proceeded on that occasion?

A. I couldn't average that. I would say 40 or 45 miles, but I never paid any attention to that.

Q. Well, I will ask you what was your average

(Testimony of Gordon L. Hammond.)

rate of speed if you can give it to us regarding when you proceeded along the open highways.

A. Well, I would say 45 miles.

Q. And, of course, you had to slow up for the various towns that you had to go through, isn't that correct?

A. That is correct.

Q. And that would be the towns on Highway 99 between here and Los Angeles, isn't that correct.

A. Yes.

Q. Now, I believe you stated that you returned about 7:00 o'clock in the evening, is that correct?

A. That is correct.

Q. And after you reached the plant at or about that time I believe you stated that you made out some time cards, is that correct?

A. I did.

Q. Approximately how many time cards did you make out at that time?

A. Well, 75 to 90.

Q. And what—in making out the time cards, what work [2680] does that involve on your part, Mr. Hammond?

A. That takes in all of the employees except what worked in the machine shop and the blacksmith shop that day.

Q. No. What I am trying to find out is what do you do—what do you have to check or what do you have to do in order to make out the time cards?

A. Well, some of them make a card of their own and drop them in a box, the type of work they did that day; and some don't make any. And I take that and put it on to my weekly time card like those we had here yesterday.

(Testimony of Gordon L. Hammond.)

Q. I will show you Respondent Boswell's 9-A and ask you where you obtained the information regarding the number of hours that a man works in order that you can put it on a card similar to Respondent Boswell's 9-A?

A. Well, some of them make a daily card. I take from that. Some don't make any. Where they don't make any and work, I know where they were, what they were doing, like the mill operation, anyone that is working in the mill during the day or during the night—some of those don't make a card, and operate 12 hours a day or 12 hours at night. That is where I get the time from.

Q. Well, I believe you stated that some men make out cards themselves; is that correct?

A. Yes.

Q. Some do not make out any card at all? [2681]

A. That is right.

Q. Now, as I understand your testimony with reference to Respondent Boswell's 9(a) for Mr. L. E. Ely, you stated that this entire card was made out in your handwriting, isn't that correct?

A. This card is.

Q. Now, I will ask you if prior to the time you made out this card, Mr. Ely had made out a card from which you took this information that is contained in Respondent Boswell's 9(a)?

A. I don't know that particular day if he did or not. I—he made out cards some days, and some I don't think he did.

(Testimony of Gordon L. Hammond.)

Q. Well, let me ask you this: Are there any particular types of employees or classifications who do not make out time cards at all?

Mr. Clark: Objected to on the ground it has already been asked and answered. He has fully explained that, Mr. Examiner.

Trial Examiner Lindsay: He may answer that.

The Witness: Some of the employees that are working in the mill, they work 12 hours a day each shift, each 12 hours, and the same applies to the gin. The operation runs continuously, but where it is a part day's and off some days, then they make a card.

Q. Now, on November 18th, 1938, when you made out the time cards, was it necessary for you to check with someone as to the length of time that the mill had run, or that the gins had [2682] run, or something, in order to make out the time card?

A. No, not necessarily.

Q. Well, on November 18th, 1938, after you returned from Los Angeles, will you tell us just what physical work or what actions you performed when you did what you have described as making out the time cards?

A. I went and picked up the cards that had been made out.

Q. Then what did you do?

A. I took them to my office and put the time on those cards.

Q. And on that occasion, do you recall whether

(Testimony of Gordon L. Hammond.)

or not there were some men who worked who didn't have any time cards from which you took information which you later put on a card similar to Respondent Boswell's 9-A?

A. Yes, there were some.

Q. Now, how did you check on the number of hours that they had worked and the type of work that they did on that day for the purpose of making out a record similar to Respondent Boswell's 9-A?

A. I gave them the time that the gin operated during that day.

Q. Well, did you check with somebody to find out how long the gin had operated on that day, before you made out a card similar to Respondent Boswell's 9-A?

A. I don't believe I did.

Q. Well, how did you ascertain how long the gins had run on [2683] that particular day?

A. I gave them the time from 6:00 o'clock until 3:00, part of them, and from 10:00 to 6:00. Those fellows that had left, I gave them a full day, ten hours, I believe.

Q. Now, was the first thing that you did after you preceeded—or returned to the plant at 7:00 o'clock on November 18th, 1938—was the first thing you did, to make out the time cards?

A. Yes, I think—I went to make them out. I didn't get through. I had to do something else.

Q. You had to do something else? You didn't get through?

A. There was some cotton there. I weighed it

(Testimony of Gordon L. Hammond.)

and got it in the yard, and went back and finished.

Q. Before you made out the time cards, did you talk to anyone at the plant?

A. Before I finished, I did.

Q. Was that when you weighed out the cotton?

A. Yes.

Trial Examiner Lindsay: I think that we will stop here.

We will adjourn until 11:00 o'clock tomorrow morning.

(Whereupon, at 11:45 o'clock, A. M., June 14, 1939, the hearing was adjourned to 11:00 o'clock A. M., Thursday, June 15, 1939.) [2684]

American Legion Hall
Corcoran, California
Thursday, June 15, 1939.
11:00 o'clock A. M. [2685]

PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: The Respondents are ready.

Mr. Mouritsen: Ready for the Board, Mr. Examiner.

Trial Examiner Lindsay: You may proceed.

Mr. Mouritsen: Before we recall the witness, Mr. Examiner, I would like to call attention to a couple of errors in the transcript.

On page 2623, at line 24, the answer to the question was: "I don't remember of any, not at the time he has set anyway, because he wasn't there at that time."

Mr. Clark: That is just what we are reading here. What do you think it is?

Mr. Mouritsen: My notes indicate very definitely that he said "I don't remember of any, not at the time he has set anyway, because I wasn't there at that time."

Mr. Clark: That is the way I remember it.

What is your recollection on it, Mr. Wingrove?

Mr. Wingrove: My recollection is that it was the way it is now.

Mr. Mouritsen: I requested, in view of the fact I noted very definitely in my notes that it was "I", I requested the reporter to check back on it through his notes.

Mr. Clark: Perhaps we can get together on it in just a minute. [2687]

Trial Examiner Lindsay: I seem to have "him."

Mr. Clark: Oh, you do?

Mr. Mouritsen: I asked the reporter to check it back, and Mr. Weigel informs me his notes say "I", and I have a very definite note on it. I requested the reporter to re-read the statement at the time because I thought he said "I." I wanted to be sure about it.

Mr. Clark: Mr. Lindsay's notes say "he" or "him;" Winslow's recollection is that it was "he"

or "him," and my recollection is that it was "I," so I don't know.

Trial Examiner Lindsay: The witness is going to be back on the witness stand?

Mr. Clark: Yes. I suggest we leave the record as it is. The question can be asked him on cross examination.

Trial Examiner Lindsay: I don't want to change it unless I am sure. That is a difficult thing with a witness who doesn't talk loud enough so we can fully understand. It is hard on the reporters and it isn't any wonder that the reporters have a little trouble.

However, these mistakes, I want it noted, are not mistakes of taking the testimony. It is just transcribing it from the dictaphones where those mistakes are made, taking it off the dictaphone. Sometimes words that are similar to each other sound alike, and therefore the operators in taking it off the dictaphone often make mistakes in transcribing them. [2688]

Mr. Clark: I think Mr. Wingrove has some corrections.

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: You have some corrections, Mr. Wingrove?

Mr. Mouritsen: I have one other.

Trial Examiner Lindsay: All right.

Mr. Mouritsen: On page 2661, line 16, the an-

swer as it appears in the record is "About March 11th or 12th, 1938."

I think that should be March 11th or 12th, 1939.

Trial Examiner Lindsay: Read the preceding question. I think I recall that definitely.

Mr. Mouritsen: This is with reference to Mr. Champagne's employment at the Corcoran plant, and I am satisfied that Board's 3 shows that it should be 1939.

Mr. Clark: How about that, Mr. Wingrove?

Mr. Wingrove: I believe that is correct.

Trial Examiner Lindsay: Yes, I am sure that is correct.

Mr. Wingrove: The testimony shows March, 1939.

Mr. Mouritsen: Will it be stipulated, then, that the answer may read "About March 11th or 12th, 1939?"

Mr. Clark: So stipulated.

Mr. Mouritsen: Those are the only corrections I have. [2689]

Mr. Wingrove: I have noted two or three points which I think should be corrected, Mr. Examiner.

The first is on page 2625, line 3, the question put by me to the witness:

"Q. Either at the time or any other time?"

That question referred to a particular conversation on a particular date and I am confident the word "the" should be "that," so it should read "Either at that time or any other time?"

Trial Examiner Lindsay: I think that is correct.

Do you agree on that, Mr. Mouritsen?

Mr. Mouritsen: Yes.

Mr. Wingrove: The next notation I have is on page 2626, line 6. I will read the answer commencing with line 5:

“A. Well, he was at work during the 2nd through the 17th of May, and I talked to him four times in the morning.”

I am confident that the witness didn't testify that he talked to him four times in the morning. I think he said more times than once, instead of four times in the morning. That is Mr. Painter's recollection also.

Mr. Painter: That referred to a conversation with Mr. Gilmore.

Trial Examiner Lindsay: Yes.

Well, I seem to have it two different ways. My recollection of that is that you are right, Mr. Wingrove, that he said he talked more than once.

Do you have any recollection of that, Mr. Mouritsen? [2690]

Mr. Mouritsen: Well, from the—my recollection is that he said three or four times. In other words, in the context of the following question it would indicate that he said on a number of occasions he had talked with him, because counsel attempts to fix the dates of any of them.

Mr. Painter: He undoubtedly talked with him.

Trial Examiner Lindsay: Here is the way I have it: I have the word “about” in *their* and I

also have that he talked more than once and following that is a dash, "about four times."

Now, whether that is correct or not—my recollection is that is about the way he testified, but he is going to be on the witness stand and let us not do any guessing about it.

Mr. Wingrove: The next notation I have is on page 2627, line 3. It appears that I have three or four different names, because I have been named there as "Winslow" and I would like to have that corrected.

Trial Examiner Lindsay: Yes, that may be corrected.

Any other corrections?

Mr. Wingrove: Yes.

On page 2633, line 7. I will go back to line 5 and read the question which was put by me.

"Q. And on November 17, 1938, I believe the stipulation shows and you testified that practically all of the planting seed that was being laid aside for the 1939 season had been [2691] stacked and hauled, except there were a few sacks in the yard which hadn't been hauled. Is that correct?"

Now, the word "stacked" should be "sacked."

Trial Examiner Lindsay: That is right.

Mr. Mouritsen: So stipulated.

Mr. Wingrove: On page 2655, line 13:

"Q. Was B. C. Galvan"—I believe that is the improper initials. It should be "V. C.," V as in very.

Trial Examiner Lindsay: If that is his initial.

Mr. Wingrove: I have "V. C." in my notes, and I think it was perhaps the phonetic connection between "V" and "B."

Trial Examiner Lindsay: Are there two? Is there one by the name of V. C. and one by the initial of B. C.?

Mr. Wingrove: There are not. And in examining the witness in regard to these men I was using the names as they appeared by Mr. Mouritsen's previous reading of certain names from the Social Security Record, Board's Exhibit 3, and I just wanted to get the initials to correspond with the initials Mr. Mouritsen had read into the record.

Trial Examiner Lindsay: Yes. "V. C." is what I have. Is that agreeable?

Mr. Mouritsen: Yes.

Mr. Wingrove: I also desire to call attention to the fact—I don't have the page number of it—but in the spelling of the name of Mr. Champane, originally that was spelled into the record by Mr. Mouritsen; I believe it was [2692] C-h-a-m-p-a-n-e, and when that name was written up in yesterday's testimony, it was spelled, I believe, C-h-a-m-p-a-i-g-n-e, and I would like the record to show that despite the dissimilarity of spelling that it was one and the same person that was intended.

Mr. Mouritsen: That is on page 2661, line 10. That is agreeable.

Mr. Wingrove: Those are all of the notations for corrections that I have, Mr. Examiner.

Trial Examiner Lindsay: Do you have any more?

Mr. Mouritsen: No.

Mr. Hammond.

Trial Examiner Lindsay: Mr. Hammond.

[2693]

GORDON L. HAMMOND

the witness on the stand at the time of adjournment, resumed the stand and was further examined and testified as follows:

Cross Examination

(Continued)

Q. (By Mr. Mouritsen): When you were last seen on the stand, Mr. Hammond, I believe you were testifying regarding certain work that you did at the plant after you returned to the plant on November 18th, 1938.

Do you have that time in mind?

A. Yes, I believe so.

Q. I believe you testified yesterday that you—the first thing you did when you returned to the plant was to make out the time cards; is that correct?

A. I began to.

Q. And that, I believe you testified, you made out between 75 and 80 time cards, is that correct?

Mr. Clark: No, that is not the testimony. I will object to it on the ground it mis-states the record. The witness said he was working at them, and there were 75 or 80 time cards, but before he finished,

(Testimony of Gordon L. Hammond.)

he was called out to load some cotton, or something of that kind.

Q. (By Mr. Mouritsen): Do you accept Mr. Clark's testimony as your own, Mr. Hammond?

A. Yes.

Q. Now, approximately how many time cards had you made out [2694] before you went out to weigh some cotton?

A. Oh, I have no way of knowing or remembering just how many there was.

Q. Do you have any recollection of the approximate number?

A. Oh, I would say less than half.

Q. And before you went out to weigh out the cotton, did you have any conversation with anyone in the office?

A. Yes, I did.

Q. With whom did you have any conversations?

A. E. M. Roberson and Rube Lloyd.

Q. And did you have a conversation with them both at the same time? Were they both present?

A. Yes, they were.

Q. And was anyone else present?

A. I don't remember that there was at that time. I don't believe there were just at that time.

Q. Now, will you tell us what Mr. E. M. Roberson or Rube Lloyd said, and what you said at that time?

Mr. Clark: Objected to upon the ground it is hearsay, and incompetent, irrelevant and immaterial as to the Respondents Associated Farmers of

(Testimony of Gordon L. Hammond.)

Kings County and the Corcoran Telephone Exchange.

I will ask that that objection be deemed to run to this entire line of testimony.

Mr. Mouritsen: So stipulated. [2695]

Trial Examiner Lindsay: Yes. He may answer.

The Witness: Why, as well as I remember, I asked them what the crowd was doing there. There was quite a few there in the front office.

Q. (By Mr. Mouritsen): You asked them—may I have that read? I didn't get all of it.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Mouritsen): Now, will you continue as to what was said further at that time?

A. They told me they had had some trouble.

Q. Can we have which one, if possible, who told you or made the statement?

A. I think Yankee Roberson, E. M. Roberson was talking then at that time; both of them were talking, though, during the conversation; that there had been some difficulty among the employees that day out in the yard. They were telling me about it.

Q. Now, what did they say to you? I would just like to have it in substance. I don't want the exact words. I would just like to have, as nearly as you can recall, what they said.

A. They said that they had come there that evening for the purpose of letting the company

(Testimony of Gordon L. Hammond.)

know they were satisfied with their work and the way it was being managed and the conditions in every way. [2696]

Q. What did they say, though, about the difficulty in the morning? Did they describe to you what had taken place?

A. Yes, they told me.

Q. Will you give us what they said to you as nearly as possible, respecting the difficulty that had taken place in the morning?

A. Well, they said there seemed to be some misunderstanding among the employees that morning; that they closed down the machinery about 10:00 o'clock or just after 10:00 and all got together and were discussing some matters that they had—some of them didn't understand—and during that discussion, some one in the crowd said, "Let us throw them out," and from that they did, I think, take hold of Mr. Spear and take him over to the office, something to that effect.

Q. Did they tell you what the misunderstanding was?

A. No, they didn't.

Q. Did you know what it was?

A. No.

Q. Did you ask them to clear that up or tell you what misunderstanding it was?

A. Well, I did talk to them, talked to them later.

Q. But you didn't at that time ask them to tell you what the misunderstanding was all about?

A. That is about the conversation at that time.

(Testimony of Gordon L. Hammond.)

Q. You didn't ask them to explain what the misunderstanding [2697] was?

A. Well, I don't remember if they told me any further than that or not that evening.

Q. You don't recall asking them to tell you what the misunderstanding was that had occurred?

A. Well, I don't believe I do right now.

Q. Now, did they say anything further at that time respecting—strike that.

Did they tell you at that time who else, if any-one, had left the plant on that day?

A. Yes, they did.

Q. Do you recall whom they said to you had left the plant that day?

A. Well, I don't know if they told me all that evening or not. The next morning they did name some others. They told me that Mr. Spear—

Mr. Clark (Interrupting): Just one moment, Mr. Examiner. Let us keep these conversations separate, if we can. Let us have everything that Mr. Hammond remembers on the first one.

Trial Examiner Lindsay: That is what he is asking him for.

Mr. Mouritsen: That is what I am trying to get at, Mr. Clark.

Q. In other words, do you or do you not recall the names of any other men they named to you at that time as being men [2698] who had left the plant that morning?

Mr. Clark: I object to that upon the ground

(Testimony of Gordon L. Hammond.)

it is assuming something not in evidence, and misstates the witness's testimony. The only name that has been mentioned is that of Mr. Spear being taken over to the office.

Trial Examiner Lindsay: He is just asking him for further names, if he remembers.

Mr. Clark: And he adds to that "who were thrown off"—"who left the property."

Trial Examiner Lindsay: Let us not argue.

Mr. Mouritsen: I ask that counsel be requested to watch the questions more closely.

Mr. Clark: Let us have it read back.

Trial Examiner Lindsay: Just a minute. I don't want any more of that.

Now, read the question back.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I object to that upon the ground it is a mis-statement of this witness's testimony.

Trial Examiner Lindsay: Why, Mr. Clark—he may answer the question. Proceed.

The Witness: Why, I believe he told me some others that left during that time.

Q. (By Mr. Mouritsen): Do you recall at this time any of the [2699] names of the men that they gave you at that time? A. Yes, I can.

Q. Will you please state them?

A. Mr. Martin, Mr. Farr, Mr. Wingo, Mr. Andrade and Mr. Briley. I believe that is all.

(Testimony of Gordon L. Hammond.)

Q. Now, what did they tell you regarding Mr. Spear at that time?

A. They told me they went to the office and was there for a little while, and Mr. Robinson came out and told them to go back to work.

Q. Well, what did they say respecting Mr. Spear's being taken to the office?

A. I believe they told me two fellows taken ahold of each arm, and maybe one pushed him from the back.

Q. Did you ask them the names of those men who had taken him by the arms, and had pushed him from the back?

A. I don't remember if I did that evening or not.

Q. Now, do you recall anything further that they either said to you, or that you said to them at that time?

A. Yes. They said they went back to work and went over to work—they didn't go back to work—and they were there for a little while and then they left, went home.

Q. Well, now, who went back to work and who left?

A. Well, they told me all of them went back to work.

Q. Let us get that straight. [2700]

You say that Mr. Roberson and Rube Lloyd told you that someone else had gone back to work after the incident?

(Testimony of Gordon L. Hammond.)

A. All of them went back to work from the office.

Q. And then what did Mr. Roberson or Mr. Rube Lloyd say occurred after all of the men went back to work?

A. Why, they said they were there for a while, and these fellows went home. I don't believe they said they were over at the place at that time. I believe they said they wasn't.

Q. Do you recall anything further that was said at that time by either Mr. Rube Lloyd, E. M. Roberson or yourself?

A. That is all I remember right now.

Q. Did you say anything to them?

A. I told them that was the worst thing they could have done; they shouldn't have done that.

Mr. Clark: May I have that last, please?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.) [2701]

Q. (By Mr. Mouritsen): Now, did they during the course of that conversation explain to you why a large number of people were present in the office at that time?

A. They told me that they had met there to let the company know that they were satisfied with their work and the working conditions and the management of it.

Q. Well now, after they made that statement to you did Mr. Roberson, Mr. Lloyd and all these other people in the office leave the office?

(Testimony of Gordon L. Hammond.)

A. Well, they did later. I don't know just what time they did, some time later.

Q. Well, they didn't leave immediately, then, is that correct?

A. They were there for a while. I was out for a while and when I came back they were most all of them had gone.

Q. And how long were you away?

A. It could have been a half, or three-quarters of an hour.

Q. Was that the period when you went out and weighed some cotton? A. That is right.

Q. I believe you classified that yesterday as weighing out cotton.

A. Weighing it in.

Q. Weighing it in. [2702]

What was that act that you classify as weighing in cotton? What did that consist of?

A. That was some cotton come in on some trailers, come over to the scale to be weighed and we issue a ticket from the scale house before it goes to the gins.

Q. Well, it was incoming cotton that was to be processed at the plant? A. That is right.

Q. And where did you do that weighing in?

A. At the scale house.

Q. And that is a short distance away from the administration building or the group of offices of the company, isn't that correct?

A. Yes, it is.

(Testimony of Gordon L. Hammond.)

Q. Did you see anyone or talk with anyone during that period while you were weighing in the cotton?

A. Well, the fellows that brought the cotton in, only.

Q. Were they the only ones that you recall seeing on that occasion?

A. While I was out it was. There was a few still there and around there when I got back.

Q. After you weighed in the cotton you went back into the office, is that correct?

A. Went back in the office, yes.

Q. Then did you make out the time cards, the rest of the [2703] time cards? A. I did.

Q. And then did you do anything else in the office? A. No, I didn't.

Q. Did you leave the office at that time?

A. Yes.

Q. Approximately how long were you present then between the time that you arrived, which I believe you testified was about 7:00 o'clock, and the time when you left the office?

A. Oh, something near two hours.

Q. I will ask you if this group of men you noticed about the office, in the outer office, were there or were present when you returned to the plant at or about 7:00 o'clock?

A. Yes, they were, part of them there.

Q. And part of them were still present about two hours later when you finally left the plant?

A. No, they were not.

(Testimony of Gordon L. Hammond.)

Q. Beg pardon? A. No, they wasn't.

Q. They weren't there? None of that group of men was present at the time you left the plant, is that correct? A. I don't believe so.

Q. Well, on that day in question, that is November 18, 1938, you were present at the plant between 7:00 and 8:00 [2704] o'clock in the evening, is that correct? A. Yes, that was.

Q. And you were present at the plant during that entire period of between 7:00 and 8:00 in the evening, is that correct? A. Yes, I was.

Q. I believe you stated upon your direct examination that you knew E. C. Powell?

A. Yes, I do.

Q. Did you know him as "Coon" Powell?

A. Yes, sir.

Q. Did you know him before you came to California? A. No, sir, I did not.

Q. Did you know his parents?

A. I knew of them.

Q. And when did you first meet Mr. E. C. Powell? A. Some time in August 1936.

Q. And did you—what was the extent of your acquaintanceship with him at that time?

A. He came to my house and wanted to know if I could get him some work.

Q. And what—did you become acquainted with him at that time?

A. Well, a day or so later—I don't know just how long—a few days later I did give him some work, is the only thing. [2705]

(Testimony of Gordon L. Hammond.)

Q. And then did he work for the company on and off up until November 18, 1938?

A. Off and on, yes.

Q. And during the period that he worked there did you become better acquainted with him, knowing who he was? A. Well, I would say so.

Q. During that period did you learn that he had had a couple of scrapes in Georgia? Didn't you? A. I heard that, yes.

Q. And during the early part of 1938 you learned that Mr. Powell had been imprisoned on a check charge, didn't you? A. Yes.

Q. And in fact the time when Mr. Powell was imprisoned on a check charge, the District Attorney came to you and obtained a prior check for which there were no funds for use at the preliminary hearing, didn't he? A. No, he didn't.

Mr. Clark: I object to that on the ground it is indefinite, Mr. Examiner. Let us have the check described—a prior check for which there were no funds.

Trial Examiner Lindsay: If the witness knows what the question is, he may answer.

The Witness: No, he did not. [2706]

Q. (By Mr. Mouritsen) Well, didn't—prior to the time when Mr. Powell was imprisoned on this check charge, did anyone from the District Attorney's office ever come to see you regarding a check for \$60.00 that you had endorsed for Mr. Powell?

A. No, sir.

Q. Are you certain of that, Mr. Hammond?

(Testimony of Gordon L. Hammond.)

A. I am.

Q. How long after the time that Mr. Powell was imprisoned—

A. (Interrupting): The District Attorney and none of his officers have ever been to me about the check of Mr. Powell.

Q. Well, did you ever take the check to the District Attorney, or, that is, the check for \$60.00?

A. I did not, no, sir.

Q. Are you certain of that, Mr. Hammond?

A. Yes, sir, I am.

A. So, prior to November of 1938, you knew that Mr. Powell had had a couple of scrapes in Georgia, had been charged with murder in Georgia, and had been convicted in California of a check charge; isn't that correct?

A. No, sir, I did not. I knew of one charge he had been charged of in Georgia on prior to that time.

Q. Well, what did you know—of what charge in Georgia did you know about prior to November of 1938?

A. That was a murder charge. [2707]

Q. And was that a charge upon which Mr. Powell had been convicted?

A. I don't think so. I don't know the nature of the conviction or the trial, even.

Q. But prior to November of 1938, you know of at least two crimes of which Mr. Powell had been either convicted or charged, isn't that correct?

(Testimony of Gordon L. Hammond.)

A. I had heard of them. That was all.

Q. Now, during 1938, November of 1938, up to November 18th, 1938, did Mr. Powell work in the warehouse?

A. Prior to November, 1938?

Q. No. During the month of November, 1938, but prior to November 18th, 1938?

A. Yes.

Q. And Mr. Powell—your testimony is that Mr. Powell did work in the warehouse during that part of November, isn't that correct?

A. Part of the time.

Q. During which part, Mr. Hammond?

A. Well, he was in there most of the time during that time. He was doing the work part of the time.

Q. And during that period, didn't your work at the plant carry you on numerous occasions through the warehouse? A. Very often.

Q. In fact, practically every day during that period, didn't [2708] it?

A. Several times during the day.

Q. And on any of those occasions that you passed through the warehouse, did you ever see Mr. Powell present? A. Yes.

Q. Did you, from time to time during that period, stop and pass the time of day with Mr. Powell?

A. Oh, I may have stopped and talked to Mr. Powell some.

Q. Well, as a matter of fact, don't you definitely recall having stopped and talked to him on several occasions during that period?

(Testimony of Gordon L. Hammond.)

A. No specific time, no. It may have been every day some.

Q. Mr. Hammond, is Clyde Sitton, an employee of the plant, a relative of yours? A. He is.

Q. In what manner is he related to you?

A. He is a nephew of mine.

Q. How long has he worked at the plant?

A. He has worked off and on for two and a half years, something like that.

Q. Now, Mr. Hammond, I believe you stated when you were on the stand before that you did not know the names of any Union members prior to November 18th, 1938. Am I correct in that statement? A. Prior to—— [2709]

Q. (Interrupting): November 18th, 1938.

A. The 17th of November, 1938.

Q. Well, let me ask you, then, when did you first learn that—or the names of any employees of the Boswell Company who were employed—who were members of the Union?

A. On the 17th of November, 1938.

Q. And how did you learn the names of any Union members on that date?

A. Mr. Prior told me.

Q. Now, when did this conversation—strike that. Did you have on that occasion a conversation with Mr. Prior? A. I did.

Q. When did that take place?

A. In the morning, around 9:00 o'clock, between 9:00 and 10:00 on the 17th day of November, 1938.

(Testimony of Gordon L. Hammond.)

Q. Nine o'clock in the morning, is that correct?

A. Around that.

Q. And there were present at that conversation what other persons?

A. Mr. Spear and Mr. Farr and Mr. Martin.

Q. Now, what did Mr. Prior say to you at that time regarding the names of any Union members?

A. He told me that he had had a meeting the night before and elected the officers, and he told me Mr. Spear was presi- [2710] dent, was elected president, and Mr. Farr vice-president, and Mr. Martin secretary and treasurer.

Q. Now, did he mention the names of any other Union members? A. No, he did not.

Q. That was the first knowledge that you had of the names of any members of the Union, is that correct? A. That is right.

Q. And at that time, those were the only people that you knew that were members of the Union who were also employees of the plant, is that correct?

A. That was the only ones that I knew of. [2711]

Q. Now, what time during the day did you—at what time during the day did you notify Mr. Steve Griffin that he was to be laid off?

A. Just after 7:00 o'clock that morning.

Q. And at what time during the day did you notify Mr. Johnston that he was to be laid off?

A. The same time.

Q. Are you sure about that? A. Yes.

Q. Where were you when you notified Steve Griffin that he was to be laid off?

(Testimony of Gordon L. Hammond.)

A. It was over near No. 1 and 2 gins between the warehouse and the gin building where they were hauling and sacking planting seed.

Q. Was anyone else present?

A. Yes, there was.

Q. Who else?

A. Paul Morris, George Andrade, and O. O. Hastings, I believe, was there; and there was four or five others out there, by the way, loading up the truck, I believe.

Q. Where did you—where were you when you informed W. R. Johnston that he was to be laid off?

A. To the south end of the No. 1 and 2 gin buildings, between that and the cotton house.

Q. Was that before or after you had told Mr. Steve Griffin [2712] that he was to be laid off?

A. Just after.

Q. And was anyone else present?

A. A fellow by the name of Sailsbury, Stan Sailsbury.

Q. Now, I believe you stated—withdraw that.

Could I have a moment, Mr. Examiner, please?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Mouritsen) I believe you testified on your earlier examination, Mr. Hammond, that Mr. Boyd Ely was also laid off on November 17, 1938, is that correct?

A. No, it was on the 15th.

Q. Well, I believe you testified when you were

(Testimony of Gordon L. Hammond.)

on the stand before that Mr. E. L. Eller was laid off on November 17, 1938, is that correct?

A. That is correct.

Q. And at what time during the day did you inform Mr. Eller that he was to be laid off?

A. Just a few minutes later and—it must have been around 7:30.

Q. And was anyone else—strike that.

Where did you have any conversation with Mr. Eller about his being laid off?

A. Just outside of the No. 3 gin, the back side, near the side track.

Q. Now, was anyone else present? [2713]

A. No, there was not.

Q. Just you and Mr. Eller alone, is that correct?

A. That is correct. I met him there.

Q. And that is Elmer Eller, isn't that correct?

A. Yes.

Q. Now, Mr. Hammond, you are certain that you knew the names of no union members prior to 9:00 o'clock of November 17, 1938, is that correct?

A. That is correct. I have heard rumors, but I never did know.

Mr. Clark: May I have that last answer?

Trial Examiner Lindsay: He said he had heard rumors, but he didn't know.

Mr. Clark: I see.

Q. (By Mr. Mouritsen) And at that time the only names that Mr. Prior gave to you as being members of the union were Mr. Spear, isn't that

(Testimony of Gordon L. Hammond.)

correct, Mr. Farr, and Mr. Martin, isn't that correct?

A. That is correct.

Q. And you are certain of that, is that correct?

A. Yes.

Q. And you are certain that during that conversation with Mr. Prior there were no other names of union members mentioned?

Mr. Clark: Objected to upon the ground it has been asked [2714] and answered several times, Mr. Examiner.

Trial Examiner Lindsay: Well, he may answer.

The Witness: That was all.

Trial Examiner Lindsay: We will adjourn until 2:00 o'clock.

Mr. Clark: At 2 o'clock, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(Whereupon, at 12:00 o'clock noon, an adjournment was taken until 2:00 o'clock p. m., of the same date.) [2715]

After Recess

(Whereupon, at 2:00 o'clock p. m., the hearing was resumed.)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: The respondents are ready, Mr. Examiner.

Mr. Mouritsen: Ready for the Board, Mr. Examiner.

Trial Examiner Lindsay: You may proceed.

GORDON L. HAMMOND

the witness on the stand at the time of the recess, having been previously duly sworn, resumed the stand and further testified as follows:

Cross Examination

(Continued)

Q. (By Mr. Mouritsen) Now, Mr. Hammond, may I direct your attention to part of your testimony on June 13, 1939, appearing in Volume XIX of the official transcript at page 2561.

Mr. Clark: Just one minute.

Mr. Mouritsen: Beginning with line 13.

Mr. Clark: Pages what?

Mr. Mouritsen: 2561.

Q. I will tell you, Mr. Hammond, that this was your testimony regarding the meeting, the conference with Mr. Prior, Mr. Martin, Mr. Farr, Lonnie Spear and yourself and the conversation took place in Bill Boswell's office.

Mr. Clark: May I suggest that the record be shown to the witness if he is to be questioned concerning it, Mr. Examiner? [2716]

Trial Examiner Lindsay: Yes.

Q. (By Mr. Mouritsen) There had been, prior to the part I am about to read to you, there had been some discussion about who the officers of the union were and some discussion about men being afraid they would be laid off. The part I have in mind begins with line 13; the question by Mr. Wingrove to yourself was:

(Testimony of Gordon L. Hammond.)

“State what Mr. Spear said and what the reply was, if any.”

And the answer by yourself:

“I don’t know whether Mr. Spear or Mr. Prior said something about the work—one of the two—anyway, during the conversation at that time Mr. Spear said something—asked me something about not laying off any of their men. I told him I didn’t know who the men were, that I had already told that morning that three of them wouldn’t have any more work for them after that day as we would be through sacking the planting seed and we wouldn’t have any more work for them the next few days.

“Mr. Mouritsen: May I have that as to who was making this statement that the witness is now telling?

“The Witness”—that is yourself—“I was making that statement.

“Mr. Wingrove: Very well.

“Q. Will you just continue, Mr. Hammond, please? [2717]

“Mr. Spear told me at that time he would bring me a list of the names the next morning, and Mr. Prior turned around to him and said, ‘No, you can’t do that. That is against the rules of the union.’ ”

Question by Mr. Wingrove: “And who did you understand he intended when he was speaking about not laying any of their men off?

“A. Well, I figured he meant the ones that belonged to the union.

(Testimony of Gordon L. Hammond.)

“Q. Who were these three men you had laid off that morning that you had told Mr. Prior and Mr. Spear had been laid off?

“A. He hadn’t been laid off. I told him we would get through that day. He wouldn’t be then, but he would be that night when we got through that morning.

“Q. Who were those three men?”

The answer by yourself: “Stephen Griffin, W. R. Johnston, and E. L. Eller.”

Now, Mr. Hammond—I will ask you—you have followed me as I read that testimony to you, is that correct? A. That is right.

Q. And I have read it to you correctly, is that correct? A. Yes.

Q. Now, I will ask you if you recall giving that testimony on June 13, Mr. Hammond. [2718]

A. Yes, I do.

Q. And that testimony was correct, was it not?

A. Yes.

Mr. Clark: Well, Mr. Examiner, I move that the reading of that testimony be physically stricken from the record upon the ground that it can serve no purpose whatsoever to have it repeated and there is no inconsistency whatsoever shown between that and the testimony which Mr. Hammond gave this morning.

Trial Examiner Lindsay: Well, the record will speak for itself. It may remain. [2719]

The Witness: There is one thing there I would like to say.

Q. (By Mr. Mouritsen) I beg your pardon?

(Testimony of Gordon L. Hammond.)

A. There is one explanation I would like to make of that.

Q. Certainly, Mr. Hammond, any explanation you desire to make.

A. At that time—I don't know yet—I did not know on the 17th that those fellows belonged to the Union.

Mr. Clark: And by "those fellows," whom do you mean?

The Witness: Those three men.

Mr. Clark: That is, Griffin, Johnston and Eller?

The Witness: Yes. If I understand that, those that I told them that morning that I had laid three men off—I had told three men that morning that we would be through that afternoon, we wouldn't have any more work for them for a few days, but I don't—I didn't mean to say that I knew they belonged to any union.

Q. (By Mr. Mouritsen) You didn't have that intent at all, is that correct, Mr. Hammond?

A. That is right.

Q. Now, Mr. Hammond, let me ask you this: Didn't you lay off more than three men on the morning of November 17th, 1938?

A. No, that is all I remember. We were aiming to close down Number 4 gin, which would have been more, but we didn't close down. [2720]

Q. Now, as a matter of fact, were those three men that you have named the only three men who were laid off on November 17th, 1938?

(Testimony of Gordon L. Hammond.)

A. They were the only ones I remember of right now.

Mr. Mouritsen: May I see Board's Exhibit 3, please?

(The document referred to was passed to Mr. Mouritsen.)

Q. (By Mr. Mouritsen) Well, let's see.

I believe you testified earlier this morning that there were a number of men present at the time when you talked with Steve Griffin, is that correct?

A. Yes, three or four, three others.

Q. Who were those other men that were present?

Mr. Clark: Objected on the ground it has been asked and answered. It has all been covered this morning.

Trial Examiner Lindsay: He may answer.

The Witness: George Andrade, Paul Morris and O. O. Hastings.

Q. (By Mr. Mouritsen) Are those the only ones who were present?

A. Well, that is, the only ones near us. There were others close by loading up a truck, 15 or 20 feet, and possibly 25. [2721]

Q. And at that time didn't you tell O. O. Hastings that he was laid off, too?

A. No, I did not.

Q. Or Morris? A. No.

Q. As a matter of fact, wasn't Paul Morris laid off on that day, that is, November 17, 1938?

(Testimony of Gordon L. Hammond.)

A. I don't believe he was. He was laid off a few days later, I believe.

Q. And your best recollection is, Mr. Hammond, that there were only those three men laid off on November 17th?

Mr. Clark: Objected to on the ground it has been asked and answered several times now, Mr. Examiner.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Mouritsen) Now, Mr. Hammond, may I direct your attention to your—part of your testimony given on June 14, 1939, occurring in Volume XX of the official transcript at page 26—at the bottom of page 2606 and 2607.

Do you have that, counsel?

Mr. Clark: Yes.

What line, please?

Q. (By Mr. Mouritsen) Well, I will instruct you, Mr. Hammond, that this was with reference to a conversation that you had with Mr. Spear on November 19, 1938, held in your office somewhere around 3:00 o'clock in the afternoon, and start-[2722] ing with line—at which only yourself and Mr. Spear were present—and the question beginning on line 12 was put to you, I believe, by Mr. Wingrove as follows:

“Q. Will you kindly state the substance of the conversation that you had with Mr. Spear at that time and which he had with you?”

(Testimony of Gordon L. Hammond.)

The answer, by yourself:

“I asked Mr. Spear to forget his affiliations with the union and I would forget Boswell Company; that I would like to know what he thought was the cause of the difficulty they had the day before.

“He told me when he came to work that morning some one of them—he didn’t say who or I don’t believe I asked him—who told him that they were going to have a meeting at 10:00 o’clock and that he said he told them it was fine, that he thought they were going to ask him or talk to him about the union.

“When they got together they asked him so many questions and so fast he couldn’t answer them and someone in the crowd, after they got to where he couldn’t answer the questions, said, ‘Let’s throw him out,’ and they proceeded to do so.

“He told me that he didn’t much blame them for doing what they did, he didn’t know much about the union anyway, and that he was glad they did do what they did.”

Do you recall giving that testimony, Mr. Hammond? A. Yes. [2723]

Q. Now, did you hear Mr. Spear testify about the occurrences of November 18, 1938, and the part that was played by himself there?

A. Yes, I believe I did.

Q. About these men taking hold of his arms

(Testimony of Gordon L. Hammond.)

and somebody pushing him from the back and taking him to the office? A. Yes.

Q. Do you recall that testimony?

Do you recall the testimony he gave that he a day or so afterwards went to see a doctor about his physical condition? A. Yes. [2724]

Q. Now, Mr. Hammond, what did you understand by Mr. Spear's statement in the quotation that I read to you that he was glad they did do what they did?

A. Well, the way I understand it was that as it was, there was no violence, and if it had kept on, there might have been.

Q. Did you understand that Mr. Spear referred to the fact that he was taken by the arm and pushed from the back, from the plant to the office, that morning, and that he said he was glad they did it?

Mr. Clark: Objected to on the ground it has already been asked and answered. The witness has explained what he meant, what Gordon Hammond meant by the statement he made in the testimony.

Trial Examiner Lindsay. I don't think the record is plain. I would like to have it answered.

Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I still don't know as I understand it.

Mr. Clark: I object to the question on the ground it is ambiguous and mis-states the record in that

(Testimony of Gordon L. Hammond.)

the statement referred to is that made by Mr. Hammond in his own testimony, and if it is to be pursued——

Trial Examiner Lindsay (Interrupting): I understand, and that is the assumption I get from the question. [2725]

What is about that question you don't understand, Mr. Hammond?

Read the question again.

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: I object on the ground the question is ambiguous, and suggest the witness be shown the testimony and until he gets it——

Trial Examiner Lindsay (Interrupting): The attorney has a right to examine the witness, and if he doesn't understand the question, that is one thing. If he didn't, the attorney may explain it to him or reframe his question.

You may reframe the question if he doesn't understand it.

Q. (By Mr. Mouritsen) Is there any part of that question that you don't understand, Mr. Hammond, in order that I can explain it to you?

A. Could I hear it read again?

Trial Examiner Lindsay: Yes. Will you read it again.

(The question referred to was read by the reporter, as set forth above.) [2726]

(Testimony of Gordon L. Hammond.)

The Witness: Yes, that is the way I understand it.

Trial Examiner Lindsay: You understand the question?

The Witness: If I do, that would be my answer. I believe I understand it. If I do that is the answer.

Mr. Clark: May I ask, Mr. Examiner, whether the witness just said he wasn't sure whether he understood it?

Trial Examiner Lindsay: You may ask him. He has answered it twice. Answer it again if you wish, if you have any other answer.

Mr. Clark: All I want to know is whether Mr. Hammond just said he wasn't sure whether he understood it.

Is that what you said, Mr. Hammond?

The Witness: That is what I said.

Trial Examiner Lindsay: What do you mean by that?

The Witness: Well, it sounds like there is two questions there.

Trial Examiner Lindsay: You still don't understand the question, is that it?

The Witness: That is it.

Trial Examiner Lindsay: Well, that is what we are trying to find out, Mr. Hammond. If you don't understand it, Mr. Mouritsen will explain it.

Q. (By Mr. Mouritsen) Let me proceed in this way, Mr. Hammond.

(Testimony of Gordon L. Hammond.)

Now, you recall testifying about this conversation you [2727] had with Mr. L. A. Spear on the morning of November 19, 1938, is that correct?

Mr. Clark: Just one moment. This appears to be a conversation held on the afternoon at 3:00 o'clock on the afternoon of November 19th.

Mr. Mouritsen: Did I say "morning"?

Mr. Clark: I think you did.

Mr. Mouritsen: Very well.

On the afternoon of November 19, 1938.

The Witness: Yes, I remember.

Q. (By Mr. Mouritsen) And I believe you stated that you recalled the rest of the testimony that I read, is that correct? A. Yes.

Q. During that testimony do you recall making the statement—or Mr. Spear—strike that.

Do you recall testifying that Mr. Spear said to you, in substance, that he didn't, or he told me that "he didn't much blame them for doing what they did, he didn't know much about the union anyway, that he was glad they did do what they did?" Do you recall testifying to that effect? A. Yes.

Q. And you had been prior to that time, in the same conversation, talking about the events of November 19, 1938, hadn't you? [2728] A. Yes.

Q. And included in those events or in the description of the events at that time was the fact that Mr. Spear had been taken by the arms and somebody had pushed him from the back and he had been propelled from the plant yard to the office, is that correct? A. That is correct.

(Testimony of Gordon L. Hammond.)

Q. Now, I am asking you, did you understand that Mr. Spear referred to that act of his being propelled from the yard to the office when he stated to you that he was glad they did do what they did?

A. That is the way I understood it. [2729]

Q. Now, Mr. Hammond, I believe we stipulated to the effect that in 1937, in 1938 and in 1939, the lowest period of employment occurred in April of each of those respective years.

Is that your recollection of employment at the plant, that the lowest period of the employment occurred during those three times in those three years?

A. Yes, that is the way I understood it.

Q. Now, we took in each instance in our stipulation a specific day. I will ask you, however, if it wasn't true, that is, those periods, namely surrounding a certain day in April of each year, that employment was at its lowest ebb in each of these years?

A. Well, I would say yes.

Mr. Clark: May I have the question read back?

(The record referred to was read by the reporter, as set forth above.)

Mr. Mouritsen: Perhaps I can explain that.

Q. Now, Mr. Hammond, I believe our stipulation was to the effect that in 1937, on April 22nd, you had the lowest number of men upon the payroll for that season?

A. Well, I couldn't say on that date it was. Mr. Carr got those figures up. I asked him to do that.

(Testimony of Gordon L. Hammond.)

That is what he gave me. I didn't check them back.

Q. There is no question about the date, but I want to know, isn't it true that not only did you have the lowest number on [2730] April 22nd, but that you had a low condition of employment preceding that date for a couple of weeks, anyway, and a low period of employment for a couple of weeks following that day?

A. Could have been.

Q. Isn't it true that that was the case?

A. I don't know that.

Q. Well, I will ask you if in 1938, on April 14th, for several weeks preceding that date and some weeks after that date, you didn't have a low condition of employment relative or comparable to the fact that you only had 45 men on the payroll?

A. It was low; that is our lowest employment season of the year.

Q. And is the same true of the year 1939, that for some weeks prior to April 22nd and for some weeks subsequent to April 22nd, you had a number of men on the payroll comparable to 55 men?

Mr. Clark: That is the present year.

The Witness: Yes.

Q. (By Mr. Mouritsen) Now, you testified, Mr. Hammond, did you not, that the 38-39 season was considerably shorter than the 37-38 season? Is that correct?

A. That is correct.

Q. However, at your lowest condition, or the lowest period when you had the lowest number of

(Testimony of Gordon L. Hammond.)

men on the payroll in each of these respective seasons, you had approximately ten more in [2731] '39 than you did in '38, isn't that correct?

Mr. Clark: Objected to upon the ground it is argumentative, Mr. Examiner, something that is demonstrated by the record.

Mr. Mouritsen: It is merely preliminary to other questions, Mr. Examiner.

Trial Examiner Lindsay: Well, it may stand. [2732]

Q. (By Mr. Mouritsen) Now in general, Mr. Hammond, what type or classification of men work during the period when you have the least number of men employed?

A. That is between seasons; that would be some of what we might call key men, ginners and expeller men, linter men.

Q. And in general would you say that they are the older and more experienced employees?

A. That is right.

Q. And they don't—strike that.

However in these periods the men don't operate the gins or the oil mill, isn't that true?

A. Not the gins. The oil mill might be sometimes operated in that season, but not often.

Q. Now, what do—in these low—in these periods when you have the least number of men employed, what work do the former ginners and oil men do?

A. They do repairing and odd jobs, other work than besides ginning and mill work.

(Testimony of Gordon L. Hammond.)

Q. Now, during the period surrounding April 14, 1938, when you had the least number of men employed in the 1937-38 season, there were a number of the men named in the complaint who worked during that period, isn't that true?

A. Sometimes.

Q. And during the period surrounding April 22, 1939, again when you had the least number of men employed, none of these [2733] men who are named in the complaint, are working, isn't that true?

Mr. Clark: Well now, just one moment, Mr. Examiner. I don't know that is a fact and I am sure that Mr. Hammond doesn't unless the names are called to his attention. The record in this case shows that various union men or members of this union have been employed more or less continuously since November 18, and if he is to be asked a question such as that, I suggest that the names of the men concerning whom the question concerns be directed to his attention rather than simply a general question such as that.

Trial Examiner Lindsay: Read the question, please.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: My objection goes to the generality, you see, of simply saying none of the men named in the complaint.

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: He may answer the question.

Mr. Clark: If he knows.

Trial Examiner Lindsay: No one will answer a question if they don't know, Mr. Clark.

Proceed.

The Witness: Well, I don't believe I can say that they all of them worked that is named in the complaint. I believe Joe Briley is named in the complaint and he has worked part of the time, not all of the time.

Q. (By Mr. Mouritsen) But he is the only one, isn't that [2734] true?

Mr. Clark: Same objection, Mr. Examiner, unless the witness shows that he knows those named in the complaint.

Trial Examiner Lindsay: Same ruling.

The Witness: He is the only one I remember that I can recall right now that is in the mill.

Q. (By Mr. Mouritsen) And in the period 19—in the period surrounding April 22, 1939, there are approximately ten men who have never worked in a comparable period of operation of the company before, isn't that true?

A. I can't say it is right offhand. I don't remember.

Q. Well, if I tell you that in 19—in the period surrounding April 14, 1938, there were 45 men who worked and if I tell you that in the period surrounding April 22, 1939, there were 55 men who

(Testimony of Gordon L. Hammond.)

worked, isn't it true that you have 5,—10 new men who worked in 1939 who did not work before in a similar period of operation of the company?

Mr. Clark: Objected to upon the ground it is argumentative, Mr. Examiner.

Trial Examiner Lindsay: He may answer.

The Witness: No, I can't say that they are new men. It may have been that they have worked some each year, part of them, any part of the others did part of the time and part they did not. I can't separate them.

Q. (By Mr. Mouritsen) I believe you testified yesterday, [2735] Mr. Hammond, regarding certain men who did not work at the plant under your supervision but who worked elsewhere for the company or one of its affiliates. You recall that testimony? A. I believe so.

Q. Now, I will ask you if it isn't a fact that W. R. Johnston worked for the company at some time when he was not working in the plant under your supervision but was working out on one of the outlying properties of the company?

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: (Pause) I don't recall.

Q. (By Mr. Mouritsen): Wasn't his nickname "Cowboy" Johnston?

A. I believe I have heard him called that.

Q. Didn't he work as a cowboy for the company

(Testimony of Gordon L. Hammond.)

prior to the time he came into the plant under your supervision?

A. He may have. I don't remember. [2736]

Q. Now, I will ask you if Steve Griffin didn't at some time during the course of his employment with the Company work some place other than the plant and under your supervision?

Mr. Clark: You mean for the Boswell Company?

Mr. Mouritsen: That is correct.

The Witness: I don't believe so.

Q. (By Mr. Mouritsen): Didn't he, during the period in May or June of 1938, do some work on the ditches or levees for the Company out west of town in the Lake region?

A. I don't recall it. I don't believe he did.

Q. I will ask you if Eugene Clark Ely didn't do some work out in one of the pumping plants for the Company that was not under your direct supervision at the plant, and I will fix the period as sometime during the year 1938?

A. Well, he helped install some pumps out there, but the work was supervised by me.

Q. Well, didn't you delegate the installation of pumps to either Busby or Lloyd? A. Lloyd.

Q. And wasn't that work done away from the plant in the spring of 1938? A. No.

Q. Where were the pumps installed, Mr. Hammond? A. On the Reclamation District 739.

Q. 39 or 49? [2737]

A. 39 is what it was called, the Lovelace District.

(Testimony of Gordon L. Hammond.)

Q. How far is that from the plant here in Corcoran? A. About twenty miles.

Q. What?

A. About twenty miles, I believe.

Q. Now, as a matter of fact, from time to time in the past haven't George Andrade, Briley, Farr, Martin, Powell, Spear and Wingo done work away from the plant that wasn't under your direct supervision, that is, for the Company?

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: Joe Briley has worked for the District, Reclamation District No. 749 quite a bit that wasn't under my supervision, before he went to work at the plant.

Q. (By Mr. Mouritsen): And how about the other men I named, George Andrade; didn't he work out on the pump or levee during the spring of 1938 for the Company and not under your supervision? A. I don't recall.

Q. How about O. L. Farr?

A. I don't remember him. I don't believe so.

Q. How about R. K. Martin?

A. I don't think so.

Q. Powell? E. C. Powell? [2738]

A. I would say not.

Q. Spear?

A. (Pause) I don't recall Mr. Spear going out. He could have gone out a few days, not very much, if any.

(Testimony of Gordon L. Hammond.)

Q. How about Wingo, H. N. Wingo?

A. Wingo worked out in the District some during the spring of 1938.

Q. How about Walter Winslow? Hasn't he from time to time worked for the Company away from the plant, and not under your direct supervision?

A. Well, if he has, it has been on one of the ranches which I wouldn't know.

Q. Well, didn't Walter Winslow—do you recall that Walter Winslow worked out on the pumps or levees during the spring of 1938 for the Company but not under your supervision?

A. I don't recall Walter Winslow going out.

Q. How about Boyd Ely? Do you have any recollection in that matter?

A. Boyd Ely took care of some pumps out in the District under my supervision.

Q. What was that? What did he do with some pumps out there under your supervision?

A. Taking care of some pumps, the operation of them.

Q. The work was done away from the plant, is that correct?

A. It was away from the plant. [2739]

Q. How about L. E. Ely. Did he ever do any work for the Company not under your direct supervision, and was the work away from the plant?

A. I don't remember him doing any work out there.

(Testimony of Gordon L. Hammond.)

Q. How about J. B. Gilmore? Did he ever do any work of that type?

A. I couldn't say. I don't remember him doing any. He could have, but I don't believe he did.

Q. Now, during the period around November 26th, 1938 and several days thereafter, I believe you testified that you had two different conversations with Mr. Prior, is that correct?

A. Yes, I believe so.

Q. And I will ask you if, upon the first occasion, Mr. Prior didn't request that the men named in the complaint, or in the amended complaint, be returned to work?

A. He asked me if I would take them back in a body to work. [2740]

Q. And I will ask you if on the second occasion—second conversation about which you testified he didn't ask you that the men named in the complaint be returned to work?

A. The second day was when he requested them in a body. The day before he didn't ask to take them back in a body.

Q. He asked you individually the first day?

A. Not individually. He asked me about taking them back—he asked about taking them back, and I said any day that we had work for them. And he asked me about the others and I told him whenever we had work for them we will put them to work that day.

Q. Did you put any of them to work that day?

(Testimony of Gordon L. Hammond.)

A. No.

Q. And the second day he requested that all of them be returned to work? A. Yes.

Q. After that time did any of them go to work?

A. No, they did not.

Q. And I believe you stated that on the second occasion he asked you about a conference—about arranging a conference with Mr. Louis T. Robinson; is that a correct statement of your testimony?

A. Yes.

Q. And I believe that such a conference was arranged by yourself with Mr. Robinson, is that correct? [2741]

A. That is correct.

Q. Now, were you present at the conference—the following conference that took place between Louis T. Robinson, Mr. Prior, and I believe a number of other employees, that has been identified as taking place on or about November 28, 1938?

Mr. Clark: Now, to which I object, Mr. Examiner, on the ground that again the record is misstated.

Mr. Mouritsen: I am merely trying to find out.

Mr. Clark: There is no evidence that there is a conference between Mr. Robinson or Prior or anyone else on November 28th.

Mr. Robinson's testimony was that there was no one else present so far as he can remember.

Trial Examiner Lindsay: That is right.

Q. (By Mr. Mouritsen): I take it you weren't

(Testimony of Gordon L. Hammond.)

present at any conference with Mr. Robinson and Mr. Prior after—or, on or about November 28, 1938?

A. No, I was not.

Q. Well now, I will ask you if on or about January 17, 1939, you were present at a conference at which were present a number of other employees of the company and Mr. Maurice Howard of the National Labor Relations Board?

A. No, I wasn't present.

Q. You weren't present at that time? [2742]

A. No.

Q. Now, Mr. Hammond, I will show you Board's Exhibit 25 which purports to be a memorandum from yourself to Mr. L. T. Robinson dated November 19, 1938, and I will ask you at what time during the day of November 19, 1938, that was written, if it was written on that day?

A. Late in the afternoon.

Q. And I would like to ask you, Mr. Hammond, whether or not you made an investigation before you wrote this memorandum that is Board's Exhibit 25?

A. Yes, I did.

Q. And with whom did you speak before you prepared the memorandum that is Board's Exhibit 25?

A. Well, quite a number of the employees.

Q. How did you talk to them? Did you talk to them in a body or did you talk to them singly or part of them singly, or part of them in a body?

A. Both ways.

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: What is the number of that, please?

Mr. Mouritsen: Board's Exhibit 25, Mr. Examiner.

Q. I will ask you who the W. C. Nichols is that you name in Board's Exhibit 25?

A. He is a carpenter, a helper, repairman.

Q. Does his work ordinarily keep him in the plant? [2743]

Mr. Clark: May I have that, please?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: Not all of the time.

Q. (By Mr. Mouritsen): He works in and out of the plant, is that correct?

A. That is right.

Q. Now, from whom did you get the information that is contained in here in this part that I will read to you: "Then W. C. Nichols got up some place where he could ask Spear outright if he understood him to say that they were taking charge of all of the work, and Spear answered yes"?

Do you recall from whom you got that information?

A. I got that from Mr. Nichols, Mr. Brown, Rube Lloyd, Mr. Langford, Mr. Winslow, and Stan Sailsbury. I believe that is all that I can remember now. [2744]

(Testimony of Gordon L. Hammond.)

Q. I believe you stated you had a conversation with Mr. Spear on that—on the morning of November—no, that was at 3:00 o'clock in the afternoon of November 19th, 1938?

A. 2:00 to 3:00, somewhere in there.

Q. Was that before you wrote Board's Exhibit 25? A. It was.

Q. Did you talk with any of the other Union members before you wrote Board's Exhibit 25?

A. No.

Q. Spear was the only one, is that correct?

A. The only one.

Q. And you have given us all of the—you have covered the conversation you had with Mr. Spear in your prior testimony, isn't that true?

A. Yes.

Q. And he was the only one to whom you talked connected with the Union? A. Yes.

Q. And most of this other information which you obtained—or that is, contained in Board's Exhibit 25—came from non-union members, isn't that correct?

A. Yes, as far as I know, it did.

Q. And in most instances, in order to obtain your information, you had men who were present during the occurrences of November 18th, 1938, didn't you? [2745]

Mr. Clark: Just a minute, Mr. Examiner. I will object to that upon the ground it is argumentative, assuming something not in evidence, is am-

(Testimony of Gordon L. Hammond.)
biguous; as I understand the question it is you had men who were present.

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

Mr. Mouritsen: I will reframe it.

Q. In other words, you wanted to get the——

Mr. Clark (Interrupting): Mr. Examiner, I would like to hear that question if I might.

Mr. Mouritsen: I will withdraw that question.

Trial Examiner Lindsay: As long as it is withdrawn, proceed.

Q. (By Mr. Mouritsen): I will ask you, Mr. Hammond, if you didn't desire to secure first-hand information and go to the men who had participated in the occurrences of the morning of November 18th, 1938, namely, the fact that certain men were propelled from the plant on that date?

Mr. Clark: I will object to that on the ground it misstates the record. There was no one propelled from the plant on that or any other date, as shown by the undisputed testimony in this case. The only propulsion was Mr. Spear from the gin over to the office.

Trial Examiner Lindsay: Proceed. He may answer. [2746]

The Witness: I talked to the employees. I talked to the employees that were in the crowd. I don't know what part they took. They didn't give any.

(Testimony of Gordon L. Hammond.)

Q. (By Mr. Mouritsen): Did you talk with Mr. Sailsbury? A. The next day I did.

Q. When; on November 19th, 1938?

A. Yes.

Q. I mean prior to the time you wrote Board's Exhibit 25? A. That is right.

Q. And did you talk with Mr. Brown?

A. Yes.

Q. Mr. Brown is an engineer down there, isn't he? A. Yes.

Q. And did you talk with Mr. Tisdale?

A. I believe I did previous to that.

Q. Mr. Tisdale was an employee of the Company at that time? A. Yes.

Q. And did you talk with Mr. Duncan?

A. No.

Q. Mr. Duncan was an employee at the plant at that time, wasn't he? A. He was.

Q. Do you know his first name or initials?

A. John. John Duncan.

Q. Well, is it true, then, to state, Mr. Gordon Hammond, that [2747] you obtained the information that you have incorporated in Board's Exhibit 25 from non-union employees of the Company?

A. I can't say that. I don't know if they are or if they are not.

Mr. Clark: In addition, the record shows he talked to Mr. Spear, Mr. Examiner, despite the way counsel is putting his question.

Q. (By Mr. Mouritsen): I will ask you if you

(Testimony of Gordon L. Hammond.)

talked with Mr. Rube Lloyd with reference to any information that you incorporated in Board's Exhibit 25? A. Yes, I did.

Q. Now, what work does Rube Lloyd do there?

A. He is a carpenter.

Q. Does he from time to time have a number of other men under his supervision, directing their work? A. Not around the plant, no.

Q. But when he goes out and does work outside of the plant, he takes a number of men to work under his supervision, is that correct?

A. Yes, he takes the men that I designate for him to take and does jobs outside.

Q. And on such occasions, do you delegate to him the authority to direct the work of these other men and tell them how it is to be done?

Mr. Clark: Objected to on the ground it calls for a con- [2748] elusion of the witness as to what delegation of authority is.

Trial Examiner Lindsay: He may answer.

The Witness: I don't believe I understand what the question was.

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: He directs the work, yes.

Q. (By Mr. Mouritsen): Well, on such occasions in the past as he has gone out and done construction work outside of the plant, have you told

(Testimony of Gordon L. Hammond.)

him that he is to take charge of the work and to direct the work of these other men with him?

A. Well, when we take an outside job, I usually go with them—or, I do go with them and we lay out the work, and he takes the men and does the work.

Q. Well, now, on such occasions in the past haven't you told him to direct the work of these other men?

A. He does the work of directing the men.

Mr. Clark: May I have that, please? I can't hear any of the answer.

Trial Examiner Lindsay: Yes, Read the answer.

(The answer referred to was read by the reporter, as set forth above.)

Mr. Clark: Is that what you said, he does the work of directing the men? [2749]

The Witness: He does direct the men on a job like that.

Q. (By Mr. Mouritsen): Now, I will ask you, Mr. Hammond, if Rube Lloyd is also known as R. B. Lloyd?

A. Yes, that is right.

Q. I will ask you if there is any other carpenter at the plant who receives as much as \$100.00 every two weeks?

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial, Mr. Examiner.

Trial Examiner Lindsay: He may answer.

(Testimony of Gordon L. Hammond.)

The Witness: I don't believe I know what the question was. [2750]

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: No, I don't think so.

Mr. Mouritsen: I think that is all.

Mr. Clark: May we have a recess at this time, Mr. Examiner.

Trial Examiner Lindsay: Yes. We will take a recess.

(At this point a short recess was taken, after which the hearing proceeded as follows:)

Trial Examiner Lindsay: Hearing called to order. You may proceed.

Redirect Examination

Q. (By Mr. Clark): Now, Mr. Hammond, will you please speak up a little louder so we can hear you.

Will you please tell us whether or not all social security data for all employees hired at or through the Corcoran plant of the Boswell Company is forwarded by the office here to Los Angeles?

A. Yes, it is.

Q. And is that true whether the men work at the plant on the machinery there or on some of these outside jobs you described during your cross examination? A. Yes, that is true.

Q. Now, will you please also tell us, Mr. Ham-

(Testimony of Gordon L. Hammond.)

mond, whether [2751] or not Ruben Lloyd, for instance, keeps the time of the men whom he might use to do a certain carpenter job?

A. No, he does not.

Q. Is the same true of the other persons who have been mentioned here as being in charge of employees for the purpose of accomplishing work, namely Tom Hammond, Joe Hammond, Mr. Busby, Bill Robinson, and Mr. Mize, namely, to keep the time of any men who might be working with them?

A. No, they don't.

Q. Am I correct in stating that the time of these men is kept by you only?

A. Yes, that is true.

Q. Now, I next direct your attention, Mr. Hammond, to the conversations you have told us about having with Mr. Prior just before November 28 of last year. Have you those incidents in mind?

A. Yes, I believe so.

Q. I think you placed them as being around the 26th or 27th of November.

Do you remember that?

A. Yes, the 28th or somewhere along in there.

Q. Some time before Mr. Prior asked you to make the appointment for him with Mr. Louie Robinson, is that correct?

A. That is right.

Q. All right. [2752]

Now, will you please tell us again, as nearly as you remember, what Mr. Prior said to you and what you said to him on the occasion of this first conversation at that time?

(Testimony of Gordon L. Hammond.)

Mr. Mouritsen: I will object to that as being already asked and answered.

Mr. Clark: It was covered on cross examination, Mr. Examiner.

Trial Examiner Lindsay: He may answer.

Q. (By Mr. Clark): Just reconstruct it as best you can for us.

A. He came in and asked—first he asked if Mr. Robinson was in. I told him he wasn't. Then he asked me if he could talk to me for a while and we went into W. W. Boswell's office and he asked about putting those men back to work that was off.

Q. Did he name the men? A. No.

Q. How did he describe them to you?

A. Well, he described them to me as the fellows that left on the 18th.

Q. All right.

Now, what if anything did he say about your putting them back to work, Mr. Hammond?

A. He asked me if I would put them back to work. I told him I would where we had work for them. [2753]

He asked me about the others. I told him we would put them back to work as soon as we had work.

Q. I see.

Now, was that substantially the extent of that conversation?

A. Yes, as well as I remember.

Q. All right.

(Testimony of Gordon L. Hammond.)

Now, when did you next have a further conversation with Mr. Prior?

A. The following morning.

Q. And will you please tell us what if anything was said, what he said to you on that occasion and what you said to him concerning that same subject matter?

A. Well, he asked me about the same thing, about those fellows going back to work, putting them back in a body. I told him we didn't have work for them all to put them back to work in a body. He asked me then if I couldn't take them, let them tear down stacks of cake and re-stack them in the warehouse for two or three days. I told him I couldn't do that.

Q. All right.

Now, can you remember, just in substance, Mr. Hammond, how or in what manner Mr. Prior asked you to take all these men back in a body, that is, substantially what he said to you? [2754]

A. Well, that is about what he said to me.

Q. Just repeat it for us if you can, as nearly as you can remember.

Trial Examiner Lindsay: I think he has just gone over that.

Mr. Clark: Very well. All right.

Q. Now, at any time subsequent to this last conversation between you and Mr. Prior, Mr. Hammond, did any of these men whom he identified to you as being those who had left on the 18th ever apply for you to work?

(Testimony of Gordon L. Hammond.)

A. No, they have not.

Q. Now, are you familiar with the fact as shown by the record in this case that those men, or some of them, were paid by the Boswell Company for a period of time after November 18th?

A. Yes, they were.

Q. Well, you are familiar with that fact, are you? A. Yes.

Q. Will you please tell us what, just generally, the basis for that payment was, what they were paid for?

Mr. Mouritsen: I will object to that upon that on the ground it calls for a conclusion of the witness.

Mr. Clark: If he knows, that is what I want to ask him.

Trial Examiner Lindsay: Read the question.

(The record referred to was read by the reporter, as set [2755] forth above.)

Q. (By Mr. Clark): Do you understand my question, Mr. Hammond? A. I believe so.

Q. Will you answer it please?

Trial Examiner Lindsay: I haven't ruled on it.

Mr. Clark: I thought you had, Mr. Examiner. I am sorry.

Trial Examiner Lindsay: Well, it has been gone into twice now.

Mr. Clark: I know it has.

Trial Examiner Lindsay: But I will let him answer.

(Testimony of Gordon L. Hammond.)

The Witness: Well, Mr. Robinson told them that they would be carried on the payroll on the morning of the 19th until this matter was settled, or something to that effect. I don't remember just what.

Mr. Clark: I see.

Q. Do you know how the amounts of payment were arrived at, what the basis for the payments were?

Mr. Mouritsen: I object to that on the ground it has already just been answered by the witness and has been answered two or three times prior to that.

Mr. Clark: I will submit that so long as I am half way into it, I think I have the right to exhaust it.

Trial Examiner Lindsay: May I have the question?

(The record referred to was read by the reporter, as set [2756] forth above.)

Mr. Clark: I will withdraw that question.

Q. Do you know how the amounts of the payments for each particular man were arrived at?

A. Yes.

Q. Will you please state what the fact is in that regard?

A. It was arrived at from the time the machinery run and the other employees doing the same type of work as these fellows was or would be doing.

(Testimony of Gordon L. Hammond.)

Q. I see.

In other words, what they would have had had they been working, is that right?

Mr. Mouritsen: I object to that as already asked and answered, and I object to counsel testifying.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Clark): Mr. Hammond, where is that billboard you described for us in your cross examination in the machine shop, on the inside or outside of the building?

A. It is on the inside.

Q. I see.

And how far inside the building from the entrance nearest to it is the billboard located?

A. About 40 feet.

Q. The bulletin board?

A. About 40 feet. [2757]

Q. I see.

How big is it, do you know?

A. It is around three by four feet.

Q. What kind of supplies are issued from the window which you have told us was next—this bulletin board, was next to?

A. Our repair parts, bolts, nails.

Q. Having to do with the operation of the machines at the plant, is that right?

A. Yes.

Q. When you went down to Los Angeles on the morning of November 18th of last year, will you please tell us how you found your way to this ad-

(Testimony of Gordon L. Hammond.)

dress for which you were bound when you left Corcoran?

A. The lady that we had taken down.

Q. Did she direct you after you got into Los Angeles? A. Yes.

Q. Concerning the streets you were to follow?

A. She did.

Q. Have you any correction you wish to make in your testimony, Mr. Hammond, regarding the people whom you took with you that date in your automobile? A. Yes.

Q. Please state whether you have or not.

A. Yes, I have.

Mr. Mouritsen: I will object to that on the ground he [2758] is impeaching his own witnesses.

Mr. Clark: I am not impeaching him.

Trial Examiner Lindsay: He may ask the question. (Laughter)

Trial Examiner Lindsay: Now, just a minute.

The Witness: I made the statement yesterday that my two children went with me, which I found out since they didn't that day.

Mr. Clark: I see.

Q. And have you discussed that with your wife?

A. Yes.

Q. Had you taken a trip down to Los Angeles some few days before the 18th?

A. Yes, about 10 or 12 days before.

Q. That is before November 18th?

A. Yes.

(Testimony of Gordon L. Hammond.)

Q. And on that occasion did these two youngsters go with you? A. They did.

Q. Do you remember approximately what time it was when you left the plant on the morning of November 18th to go back to your home?

A. About 8:30.

Q. About 8:30.

And can you give us the approximate time, Mr. Hammond, as [2759] nearly as you can estimate it, that it took you before you had your family packed in the car and were on your way on the highway for Los Angeles?

A. We left just at 9:00 o'clock.

Q. At 9:00 o'clock.

I want to direct your attention to a conversation which you testified to on your cross examination which you had with Ruben Lloyd and Yankee Roberson on the evening of November 18th of last year after you had returned to the plant.

Do you remember that occasion? A. Yes.

Q. Do you remember testifying to that on your direct examination—on your cross examination.

A. I believe so.

Q. At any time during that conversation, Mr. Hammond, did either Mr. Lloyd or Mr. Roberson say that they had been present after the union men had returned to their jobs on that morning?

Mr. Mouritsen: Objected to as calling—leading and suggestive.

Mr. Clark: This is redirect examination, Mr. Examiner.

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: Well, I really believe that a witness should be allowed to testify.

Mr. Clark: What am I going to do, go back and exhaust the whole conversation again? [2760]

Trial Examiner Lindsay: Let him tell the conversation.

Mr. Clark: I have a right to direct his attention to various parts of it which were touched on the cross.

Trial Examiner Lindsay: Well, Mr. Clark, all I am saying is I believe a witness should be permitted to testify. Now as I pointed out the other day, there has been just too much of leading witnesses. Now after all the witness is the one who either does or does not know.

As to this particular question, he may answer. [2761]

Mr. Clark: May I have it read?

Trial Examiner Lindsay: But I do not want the witness led constantly any more.

Mr. Clark: I will reframe the question, Mr. Examiner.

Q. Will you please tell us, Mr. Hammond, whether or not during your conversation on the night or the evening of November 18th with Reuben Lloyd and Yankee Roberson, either of them made any statement to you with respect to whether or not they were present during the morning of that day after the Union men had returned back to their jobs and had commenced work again?

(Testimony of Gordon L. Hammond.)

Mr. Mouritsen: That may be answered yes or no.

Trial Examiner Lindsay: Yes. Answer it yes or no.

The Witness: No.

Mr. Clark: Very well.

Q. How far is the scale house from the office building at the plant, just roughly?

A. A little over 100 feet.

Q. I see.

During your cross examination, you told us that you had heard about some scrapes that Coon Powell had been in prior to the time you re-employed him—you employed him, rather—at the Boswell plant here in Corcoran.

Do you remember that testimony?

A. Yes, I remember. [2762]

Q. And I think you told us that you had heard that he had been tried for murder in the State of Georgia, is that right?

A. I heard that, yes.

Q. And that you had also heard of his conviction here in Kings County on the bad check charge?

A. Yes.

Q. Do you remember that? I want to ask you, Mr. Hammond, whether or not those two subjects, or that information about Mr. Coon Powell, was discussed generally among all the employees at the plant?

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial.

(Testimony of Gordon L. Hammond.)

Mr. Clark: It is very material.

Mr. Mouritsen: It calls for a conclusion of this witness.

Trial Examiner Lindsay: Sustained in that form.

Q. (By Mr. Clark): Do you remember from whom you heard, for instance, that Mr. Coon Powell had been tried for murder in the State of Georgia?

Trial Examiner Lindsay: Well, may I off the record, just a minute—(pause)—

Mr. Clark: Yes.

(Discussion outside the record.)

Q. (By Mr. Clark): Mr. Hammond, will you please tell us, if you can, who it was from whom you heard that Mr. Coon Powell had been charged with murder in the State of Georgia? [2763]

A. I don't believe I could say who told me first. I have heard it two or three different times.

Q. Had you heard that prior to—withdraw that.

Had you heard that prior to, I will say, July 1st of 1938, from more than one person?

Mr. Mouritsen: That can be answered yes or no.

The Witness: I believe no.

Q. (By Mr. Clark): Had you heard it on more than one occasion? A. Yes.

Q. And can you tell us approximately on how many occasions you had heard that discussed?

Mr. Mouritsen: Objected to as already asked and answered.

Mr. Clark: I say how many occasions.

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: He may answer.

The Witness: Two that I can recall.

Q. (By Mr. Clark): Two that you can recall.

And will you please tell us whether or not persons who employed at the Boswell plant here in Corcoran were parties to those two discussions you have described to us?

Trial Examiner Lindsay: Tell us who told you, if you know. That is the question.

Mr. Clark: That is the way to get at it.

The Witness: Jack Owings for one. He told me.

Q. (By Mr. Clark): Is he employed at the plant here?

A. He is, and Mr. I. M. Henderson. [2764]

Q. Who is Mr. Henderson, please?

A. He is a coroner in Chatooga County, Georgia.

Q. The Coroner of what County in Georgia?

Trial Examiner Lindsay: What was the County.

The Witness: Chatooga; C-h-a-t-o-o-g-a.

Q. (By Mr. Clark): Do you remember any other occasions that you heard that matter discussed by anyone, namely, that Mr. Coon Powell had been charged with murder in Georgia?

A. I think I heard one here.

Q. Who was he? A. From my mother.

Q. From your mother? A. Yes.

Q. Did you hear it from any other employees at—around the plant? A. I don't believe so.

Q. Now, by the way, was Mr. Powell's nickname "Coon" Powell, was that all of his nickname?

(Testimony of Gordon L. Hammond.)

A. That is what they call him. That is all I know of.

Q. Have you ever heard him called by anything else? A. I don't believe so.

Q. Directing your attention to the conviction on the bad check charge here in Kings County in the spring of 1938, Mr. Hammond, did you hear that discussed by anyone at the time it occurred, or subsequently? [2765]

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: On the record.

Mr. Mouritsen: I object to the question upon the ground it is incompetent, irrelevant and immaterial; does not tend to prove or disprove any of the issues of this case.

Mr. Clark: Mr. Examiner, this matter was developed by Mr. Mouritsen on cross examination. Mr. Hammond was asked whether he knew of the murder charge, and whether he knew of the conviction here, and I presume that Mr. Mouritsen could only have had one theory, and that was to show that this man had certain knowledge concerning Coon Powell which in a way placed him then

(Testimony of Gordon L. Hammond.)

subject to the domination of Mr. Hammond, that bearing on the charge of the Board that Powell was a spy for the Company.

Now, I want to show, which I think is entirely material, that the fact that Coon Powell had been in some scrape in Georgia was common knowledge among the people here, and everybody in the County knew about the conviction on the bad check charge. That is all I am trying to develop. [2766]

Trial Examiner Lindsay: Again off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: On the record. He may answer.

Mr. Clark: May I please have that question re-read?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: At the time it occurred—I don't know if I got that part.

Trial Examiner Lindsay: Do you know what "occurred" means? Something happened.

All right. Does that explain it?

The Witness: I heard of it at the time, I guess. I wasn't there.

Q. (By Mr. Clark): Did you hear that Mr. Powell had been taken into custody, for instance?

A. Yes, I did.

(Testimony of Gordon L. Hammond.)

Q. And that he was in trouble? A. Yes.

Q. Now, did you hear that from more than one person, if you recall?

A. I couldn't recall any names. I would say yes.

Q. Yes.

Mr. Hammond, directing your attention to the morning of November 17th, 1938, will you please tell us whether you had [2767] notified Johnston, Griffin and Eller that they were to be laid off at the end of that day, before or after your conversation with Mr. Prior and Mr. Farr and Mr. Spear?

A. It was before.

Q. I see.

Do you recall whether or not you had any conversation with Mr. L. E. Ely on the evening of November 18th, 1938—

Mr. Mouritsen (Interrupting): Objected to as—

Mr. Clark (Continuing): —between 7:00 and 8:00 o'clock at the—on the Boswell property, that is, between the J. G. Boswell office and the oil mill?

Mr. Mouritsen: That is objected to as already asked and answered, and covered in cross examination.

Mr. Clark: This is redirect examination, and also, Mr. Examiner, there is one conversation, or one incident, in the record which we didn't cover on our direct examination.

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: Direct your question to that incident and proceed.

Mr. Clark: May I have that question read?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I don't remember of any.

Mr. Clark: All right.

And will you tell us whether or not you remember any con- [2768] versation at that time and place at which both Mr. Ely and Mr. Perry were present?

Mr. Mouritsen: I will object to this. It was all covered by Mr. Wingrove on his direct examination.

Mr. Clark: It was not. We can read. After all, we want to make sure of it.

May I have the question answered, Mr. Examiner, if the witness has it in mind?

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.) [2769]

Trial Examiner Lindsay: Is this supposed to be a new conversation?

Mr. Clark: First, I asked about any conversation with Mr. L. E. Ely on the evening of November 18th, and now I am asking whether he had any conversation with L. E. Ely, and Parrish, on the evening of November 18th between 7:00 and 8:00 o'clock on the Boswell property.

(Testimony of Gordon L. Hammond.)

Trial Examiner Lindsay: He may answer.

The Witness: I don't recall any.

Mr. Clark: Very well. That is all.

There are a couple of things which were left this morning, Mr. Examiner, in correcting the transcript which Mr. Wingrove wants to take up with Mr. Hammond.

Trial Examiner Lindsay: May I see those letters that were sent out to those boys?

Mr. Clark: Yes, indeed.

(The documents were passed to the Trial Examiner.)

Trial Examiner Lindsay: There is just one or two questions I would like to ask.

Q. What do you mean, Mr. Hammond, when you said that these boys were—it was understood between Mr. Robinson and these boys that they were to be paid until this matter was settled?

A. Well, in a conversation with Mr. Prior and Mr. Farr, Mr. Spear, and Mr. Martin, on the morning of November 19, Mr. Spear was in the office talking to Mr. Robinson about [2770] those men going back to work. He told Mr. Prior that the men were to be carried on the payroll until the matter was settled.

Q. Well, is that all of the conversation?

A. That is all that I remember. There was quite a long conversation about other things. I don't remember.

(Testimony of Gordon L. Hammond.)

Q. What do you mean by "until this matter was settled."

Mr. Clark: Objected to on the ground it calls for the conclusion of this witness as to what Mr. Robinson meant by a statement.

Trial Examiner Lindsay: If you know—strike that.

Q. Did Mr. Robinson tell you what his idea was on settling this matter? A. No, he did not.

Q. You don't know anything about it?

A. No, I don't know enough about it to justify to try to tell it.

Trial Examiner Lindsay: That is all.

Mr. Wingrove: Mr. Examiner, may I proceed to ask the witness a couple of questions to clear the record?

Mr. Mouritsen: May I be permitted to re-cross examine the witness before?

Mr. Clark: This is part of our redirect, you see.

Mr. Mouritsen: Oh, pardon me.

Mr. Wingrove: Mr. Mouritsen, for your information I [2771] would like to direct your attention to page 2623 of yesterday's transcript, line 20.

Mr. Mouritsen: I have it, Mr. Wingrove.

Q. (By Mr. Wingrove): Mr. Hammond, I am going to direct your attention to the fact that during your examination by myself yesterday I called your attention to certain testimony of Mr. L. E. Ely, to the effect that on the evening of November 18, 1938, between the hours of 7 and 8 o'clock p. m.,

(Testimony of Gordon L. Hammond.)

he testified he had a conversation with you at the J. G. Boswell Company's plant, and at the request of the Examiner I read that testimony, that entire line of Mr. Ely's testimony, from the transcript; and afterwards I asked you this question, commencing at line 20, page 2623:

“Q. (By Mr. Wingrove): Now, Mr. Hammond, after having heard the testimony read, will you kindly state as to whether or not you had any conversation with L. E. Ely on the evening of November 18, 1838?”

Answer, as it now appears in the transcript: “A. I don't remember of any, not at the time he has set anyway, because he wasn't there at that time. If any, it was a little later. I don't say that I did not now, but I don't believe I did.”

Will you kindly state, Mr. Hammond—will you kindly re-answer the question so as to clarify the word “he” which appears in your answer? [2772]

Trial Examiner Lindsay: If it is to be clarified.

Mr. Wingrove: If the word “he” is improperly used in the transcript.

The Witness: The answer is correct as it is.

Mr. Wingrove: You believe it is correct as it is with the word “he.”

Mr. Mouritsen, I will now refer you to page 2626 of the transcript.

Mr. Mouritsen: I have it.

Q. (By Mr. Wingrove): I will direct your attention to page 2626 of the transcript, lines 5 and 6

(Testimony of Gordon L. Hammond.)

—and may it be stipulated that those two lines were questions which applied to Mr. Gilmore?

Mr. Mouritsen: Yes, so stipulated.

Q. (By Mr. Wingrove): I asked you the following question during your examination yesterday. I will have to go back to line 3.

I asked you the following question yesterday during your examination:

“Q. What time during the month of May, to the best of your recollection?

“A. Well, he was at work during the 2nd through the 17th of May, and I talked to him four times in the morning.”

I will ask you to state as to whether or not that answer was correct as it appears in the record? [2773]

A. I don't remember saying “four times.” It strikes me that I said more than one time, more times than one, something to that effect, but I can't recall talking to him but twice.

Mr. Wingrove: May the record show that that question was asked for the purpose of clarifying the record in that respect?

Trial Examiner Lindsay: Yes.

Is that all, Mr. Wingrove?

Mr. Wingrove: Yes, that is the only question I have.

Recross Examination

Q. (By Mr. Mouritsen): Mr. Hammond, I believe you stated that you talked with the Coroner of

(Testimony of Gordon L. Hammond.)

Chatooga County, Georgia, regarding the charge for murder or for manslaughter that was placed against Mr. Powell, is that correct? A. Yes, it is.

Q. And when did you talk with him about that matter?

A. Some time the first of May of this year.

Q. Of what year? A. 1939.

Q. Is that the county from which you come, Mr. Hammond?

A. No. I lived in that county but I came from Lafayette, Georgia, Walker County, adjoining counties.

Q. And had you known this Coroner prior to the time you came to California? [2774]

A. Yes.

Q. Was he a coroner of this Chatooga County before you came—when you knew him before you came to California? A. No, he was not.

Mr. Mouritsen: That is all.

Mr. Clark: Is that all, Mr. Mouritsen?

Mr. Mouritsen: That is all.

Mr. Clark: Mr. Hammond, will you please tell us whether or not this gentleman was here in Corcoran when you talked to him about this?

The Witness: He was.

Mr. Clark: Here in business, was he?

The Witness: He spent the night with me.

Mr. Clark: I see.

That is all. Nothing further from us, Mr. Examiner.

(Testimony of Gordon L. Hammond.)

Mr. Mouritsen: Nothing further from the Board.

Trial Examiner Lindsay: That is all.

(Witness excused.)

Mr. Clark: Mr. W. W. Boswell, please.

W. W. BOSWELL

recalled as a witness by and on behalf of J. G. Boswell Company, having been previously duly sworn, was examined and testified further as follows:

Trial Examiner Lindsay: You were on the witness stand [2775] the other day?

The Witness: Yes.

Direct Examination

Q. (By Mr. Clark): Mr. Boswell, I believe you told us that your connection with the J. G. Boswell Company is that you are in charge of cattle?

A. Yes.

Q. For the company? A. Yes.

Q. In your—in the course of your position with the J. G. Boswell Company do you have any supervision over employees engaged in the work at the plant here in Corcoran? A. No. [2776]

Q. Do you know, prior to the time this proceeding started, that is, the hearing started, which I think the record will show was May 18th of this

(Testimony of W. W. Boswell.)

year—did you know a gentleman by the name of Eugene Clark Ely, otherwise known as “Fat” Ely?

A. No.

Q. Did you know him by sight even?

A. I don’t remember seeing him. I might have, but I didn’t know who he was.

Q. Very well.

Now, I want to particularly direct your attention to the day of Sunday, January 29th of this year, 1939, and I will ask you, Mr. Boswell, whether on that day or at any time during that day you saw Eugene Clark Ely or any of the other employees of the Boswell Company, past or present, at Bakersfield in front of the Teamsters’ Hall?

A. I didn’t know they had a Teamsters’ Hall in Bakersfield.

Q. Please answer the question.

A. No, I didn’t see him.

Q. Do you know where the Teamsters’ Hall is in Bakersfield?

A. Never heard of it.

Q. Have you ever seen it?

A. I never heard of it, so I couldn’t have seen it.

Q. And if I understand you correctly, you said you didn’t know who Mr. “Fat” Ely was at that time? [2777]

A. No.

Q. Will you please tell us, then, Mr. Boswell, whether you on this occasion, namely, Sunday, January 29th, drove your automobile slowly along some street in Bakersfield in front of the Teamsters’ Hall, and at that time gave Mr. Eugene Clark Ely

(Testimony of W. W. Boswell.)

and whoever was standing with him the "once over?"

A. No, I didn't see Ely or anyone else that I remember.

Q. Very well.

Now, do you know a man by the name of Leland Douglas Caffell? A. Yes.

Q. And who is he, please?

A. He is a cowboy for me, a regular cowboy for me.

Q. Can you tell us approximately when you employed Mr. Caffell?

A. I imagine it was the first of last fall, the first of September or August. I don't know the exact date, but it was along last fall.

Q. Since Mr. Caffell has been employed, can you tell us whether he has done any work at the Boswell plant in the nature of ginning, or working in the oil mill, or anything of that sort?

A. No. He has been a cow puncher at the Reden ranch.

Q. Do you know a man by the name of Walden H. Bunker?

A. He is what I call a "pick-up" cow puncher. I pick him up when I need him, a few days at a time.

Q. Can you tell us approximately when the first time was that [2778] you employed Mr. Bunker in that capacity?

A. Well, I would say—I wouldn't say the date,

(Testimony of W. W. Boswell.)

because I don't keep up with the dates. If we need four or five men, some of the boys pick up four or five or two or one. When we move the cattle, we pay them off and let them go.

Q. As far as you know, has Mr. Bunker ever been employed in the plant in Corcoran as a ginner or in the oil mill, or in connection with the activities in the plant?

A. I doubt that he has ever been in Corcoran.

Q. You doubt that he has ever been in Corcoran?

A. Yes.

Q. Your answer to the question is what?

A. Well, he hasn't.

Mr. Clark: Mr. Examiner, rather than recall this witness, I would like to direct one or two questions in defense against the charge of the Corcoran Telephone Exchange, if I may, at this time.

Q. Now, Mr. Boswell, at page 2033 of the transcript in this proceeding, which is that for June 7th of this year, Mrs. Dunn, Mrs. Margaret A. Dunn, testified in substance and effect that she had told Mr. Glenn, the owner of the Corcoran Telephone Exchange, or rather the stock of the Exchange, that Mr. Galusha had told her that Mr. Riley had told him that you had told Mr. Riley this: That you would get her job if it was the last thing you did; that you were going to get detectives and [2779] a dictaphone in her home—that is, Mrs. Dunn's home—and have the girls watched to prove your point; that you said that you had no recollection—may I have the last stricken.

(Testimony of W. W. Boswell.)

I will ask you, Mr. Boswell, whether or not on any occasion whatsoever you made that statement, or anything similar to it to Mr. Riley, or anyone else? A. I did not.

Q. Have you ever told anyone that you would get Mrs. Dunn's job if it was the last thing you ever did? A. I did not.

Q. And have you ever made any statement to that effect? A. Did not.

Q. Have you ever stated to anyone that you intended to put detectives and a dictaphone in her home? A. No.

Q. Or have you ever made statements similar to that to anyone? A. No.

Q. Or that you were going to have the girls watched to prove your point? A. No.

Q. Or have you ever made a statement similar to that to anyone whomsoever? A. I did not.

Mr. Clark: You may cross examine. [2780]

Cross Examination

Q. (By Mr. Mouritsen): Do you have any cowboys on your payroll at the present time, Mr. Boswell? A. Eight or ten, probably.

Q. Would you give us those names, please?

A. No, I couldn't tell you. I could get the books and tell you.

Q. Do you know any of them?

A. Yes. I have John Carpenter.

Q. Carpenter?

A. Carpenter. Bert Arnold.

(Testimony of W. W. Boswell.)

Q. How do you spell that?

A. A-r-n-o-l-d; Arnold.

Caffell, Lee Caffell.

Q. You discussed Mr. Caffell with Mr. Clark, didn't you? A. Yes.

Q. And the others?

A. Bill—I think his name is Cunningham.

Q. Bill Cunningham?

A. Yes, I think that is his name.

A boy named Dutch Williams. That is all of the regular monthly men.

Mr. Mouritsen: I think that is all.

Mr. Clark: No further questions from us, Mr. Examiner.

(Witness excused.) [2781]

Mr. Clark: Mr. Boyett, please.

J. B. BOYETT

recalled to the stand by and on behalf of the Respondent, Associated Farmers of Kings County, Inc., having been previously duly sworn, was further examined and testified as follows:

Direct Examination

Q. (By Mr. Clark): You have been sworn, Mr. Boyett? A. Yes.

Mr. Clark: This testimony, Mr. Examiner, is addressed to the Associated Farmers' case.

(Testimony of J. B. Boyett.)

Q. Mr. Boyett, I will show you a check which has been admitted in evidence in this case as Board's Exhibit 31, being a check payable to the order of the Pacific Tent & Awning Company for \$50.00 by the Associated Farmers of Kings County, Inc., and which is signed by you, J. B. Boyett, president, and Harold E. Botts, secretary and treasurer; after having called that to your attention—and dated, Mr. Boyett, June 1st of this year—now, after having called that to your attention, I want you to tell us the occasion or the reason for the Associated Farmers of Kings County having made out and delivered that check to the Pacific Tent & Awning Company?

A. We were in the midst of our membership drive during the month of February, as I have testified, and the tent, after the meeting of January 30th, was still standing there. We were [2782] looking for a place to have a barbecue, I believe, as I remember it. It was hard to get a place to entertain the crowd we expected.

Mr. Mouritsen: I will object to all this as vague—as not responsive to the question. The question was what was the occasion for making out this check. The witness is going into a rambling discussion that doesn't respond to the question at all.

Mr. Clark: I will see if I can't cover it with specific questions.

Trial Examiner Lindsay: Well, the question is specific. Read the question.

(Testimony of J. B. Boyett.)

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: I think the answer should be stricken. Please answer the question.

The Witness: I don't know how to answer it, Judge.

Mr. Clark: I will withdraw the question, Mr. Examiner.

Trial Examiner Lindsay: Just a moment. I would like to have it answered, an answer to the question. If there is anything about this question that you don't understand, what is it?

The Witness: There is no mystery about this check.

Trial Examiner Lindsay: I am not asking about that. I am asking you what part of that question you do not understand. [2783]

The Witness: I understand the question fully, absolutely, if I can answer it in my own way.

Trial Examiner Lindsay: Well, if that is the only way you can answer it, proceed to answer it.

The Witness: We were in the midst of our membership drive and we decided to have a barbecue and invite some of the members of the State organization to address our members, and others who might be interested. I knew the tent was still standing down there at the Salyer ranch. I knew that Mr. Riley, who told me after the tent came here he was responsible for having the tent put there—I asked him if he could get the Pacific Tent and Awn-

(Testimony of J. B. Boyett.)

ing Company to leave the tent there until after the Associated Farmers could have a meeting there.

Mr. Riley advised me he would call up the Pacific Tent & Awning Company and would let me know.

He came back in about an hour. He said he had called the Pacific Tent & Awning Company, and we could have the tent, but there was a charge of \$50.00 for drayage to and from Corcoran, and he thought it was only right that we should pay the \$50.00 in as much as it was billed direct to him. I told him we would be glad to pay the \$50.00. [2784]

Q. All right.

Now, when was this with respect to February 1st, 1939

A. It was during the second week in February.

Q. I see.

You may cross examine—just one more question.
(Laughter)

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: On the record.

Mr. Clark: May I proceed, Mr. Examiner.

Trial Examiner Lindsay: Yes.

Q. (By Mr. Clark): Now, Mr. Boyett, will you please tell us whether or not the Associated Farmers of Kings County, Inc., had anything whatsoever to do with having the tent put up at the Salyer ranch in the first instance, that is, on January 30th of this year?

(Testimony of J. B. Boyett.)

A. No, knew nothing about it whatever.

Mr. Clark: That is all.

Cross Examination

Mr. Mouritsen: May I have just a moment, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(Conference between counsel.)

Q. (By Mr. Mouritsen): I believe that on January 30, 1939, Mr. Forrest Riley was a member of the Associated Farmers of Kings County, wasn't he? [2785]

A. I believe he was, yes.

Q. And your discussion concerning this tent, the cost of transportation and everything, was with Mr. Riley, is that correct? A. That is correct.

Q. Now, according to your testimony the tent was already in position at the time that you talked with Mr. Riley? When I say "in position," it was set up on the Salyer ranch?

A. That is right.

Q. And Mr. Riley told you that the cost of putting the tent up and taking it back up to Fresno was \$50, is that correct? A. That is correct.

Q. And the tent had already been used for this meeting on January 30, 1939, it had already been set up by that time? A. It had.

Q. But the Associated Farmers paid the entire cost in this check that is Board's Exhibit 31 for bringing the tent down and for taking it back to Fresno, didn't they?

(Testimony of J. B. Boyett.)

A. We paid \$50. That is the only bill I saw.

Q. Didn't Mr. Riley tell you that was the entire cost of bringing the tent down and taking it back?

A. That is the drayage on the tent both ways, as I understood it.

Q. And, as a matter of fact, the Associated Farmers of Kings County paid \$50 for it that covered the cost of bringing it [2786] down and taking it back to Fresno, didn't they?

A. We did.

Mr. Mouritsen: That is all.

Mr. Clark: No further questions.

Trial Examiner Lindsay: That is all.

(Witness excused.)

Trial Examiner Lindsay: Now, will you gentlemen come up here just a moment?

(Conference between counsel and Trial Examiner Lindsay at the bench.)

Trial Examiner Lindsay: The hearing is adjourned until 9:30.

(Thereupon, at 4:35 o'clock p. m., an adjournment was taken until 9:30 o'clock a. m., Friday, June 16, 1939.) [2787]

American Legion Hall
Corcoran, California

Friday, June 16, 1939.

9:30 o'clock a. m. [2788]

PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Respondents are ready, Mr. Examiner.

Mr. Mouritsen: Ready for the Board.

Mr. Clark: In reading over the transcript, or rather the report of the evidence in Volume XV of the transcript in the present proceeding, which has to do with the Corcoran Telephone Exchange, my attention was attracted to two things which I think should be corrected, Mr. Examiner.

One of them appears at page 1999 at line 19 in the testimony of Mr. Glenn.

The statement appears: "The Witness—" being Mr. Glenn— "Hanford is our central office of this district," which should read, Mr. Examiner, "is their central office of this district," it referring to the Pacific Telephone & Telegraph system, and the preceding testimony having to do with the manner in which the bills for toll calls, that is, out-of-city calls, are collected.

Trial Examiner Lindsay: Well, just read the preceding testimony.

Mr. Clark: It is this, commencing over at page 1998 at line 18—may this be off the record, as far as my reading of this testimony is concerned?

Trial Examiner Lindsay: Well——

Mr. Clark (Interrupting): Very well, let it go on. [2790]

“Q. How is this 30-70 per cent financial arrangement settled up?” referring to the financial arrangement testified to by Mr. Glenn between the Pacific Telephone & Telegraph Company and the Corcoran Telephone Exchange applicable to the outgoing toll calls.

“A. They bill us——

“Mr. Clark (Interrupting): May I have that question, Mr. Examiner?

“Trial Examiner Lindsay: Yes.

“(The record referred to was read by the reporter, as set forth above.)

“Mr. Clark: I have no comment to make.

“The Witness: They bill us each month for 70 per cent of the amount.

“Q. (By Mr. McTernan): Of the amount that you collect?

“A. Of the whole amount, yes, sir. You see, these bills, if I might just clear up one thing, we make out no bills. Those bills are made out in Sacramento by the Pacific people, and are collected in Hanford out of our office. The bills are sent from Hanford into Sacramento to their clearing house of the Pacific Telephone and Telegraph, and they in turn send these bills to us for collection.

Then they bill us for the amount—at the same time they bill us for the amount, their proportion or 70 per cent of the money that we collect on those bills. [2791]

“Mr. Clark: May I ask, Mr. Examiner, whether this applies to the out-of-state calls?

“The Witness: It applies to all the toll calls.

“Mr. Clark: I see.

“The Witness: Hanford is our central office of this district.

“Q. (By Mr. McTernan): Do you have any agreements, or any working agreements, Mr. Glenn, with the Western Union Company?

“A. No, sir.”

Now, the witness is referring to the Pacific Telephone & Telegraph office, which is at Hanford, and the statement at line 19 should read “Hanford is their central office of this district,” and I submit that that is what he said, because the Corcoran Telephone Exchange has no office outside of the city limits of Corcoran. If there is any doubt about it, I can clear it up from him on the stand.

Trial Examiner Lindsay: I definitely recall that he did say “their” and the reason I remember it so definitely is—“our,” rather—is that I was wondering at the time whether or not there was an office over at Hanford, or whether he meant that was their connecting link.

Mr. Clark: Very well. I will clear it up with him on the stand.

Trial Examiner Lindsay: I wish you would.
May I state off the record—(pause)— [2792]

(Discussion outside the record.)

Trial Examiner Lindsay: On the record.

As far as the statements of counsel are concerned, they will be disregarded. The correction is the only thing that is under consideration.

Mr. Clark: I would also like to direct the Examiner's attention to page 2107 of the same volume, which is a discussion between counsel and the Trial Examiner at the time I asked that Mrs. Margaret A. Dunn be recalled for further cross-examination, commencing at page 2107, line 4. There appears the following:

“Trial Examiner Lindsay: All right. Let's have Mrs. Dunn.

“Mr. Mouritsen: Now, this is—he is calling Mrs. Dunn as his own witness.

“Mr. Clark: No, I am not. I am asking permission—let's not quibble about a thing like that—I am asking permission to ask three more questions of this witness on cross examination. That is all.

“Trial Examiner Lindsay: I called her back at your request.

“Mr. Clark: I want the record to show she is my witness,” is the way it reads, and it should be, “I want the record to show she is not my witness.”

Trial Examiner Lindsay: That is right. [2793]

Mr. Clark: May that correction be made?

Trial Examiner Lindsay: Yes.

Mr. Clark: Is that stipulated to?

Mr. Mouritsen: So stipulated.

Mr. Clark: Very well.

Now I think that Mr. Wingrove and Mr. Painter have some corrections to call attention to in yesterday's transcript. [2794]

Mr. Wingrove: Mr. Examiner, I would like to call your attention to page 2688 of yesterday's transcript, line 9, in which my name again appears as "Winslow." I would like to have that corrected.

Trial Examiner Lindsay: It may be corrected.

Mr. Clark: That is the viciousness of repetition, Mr. Examiner.

Mr. Wingrove: I next desire to call your attention to page 2728, line 24—I will go back to line 23. I believe the question was by Mr. Clark.

"Q. And you had been prior to that time, in the same conversation, talking about the events of November 19, 1938, hadn't you?"

That conversations refers to a conversation which the witness, Gordon Hammond, had on the afternoon of November 19, I believe, with Mr. Spear, and obviously in 19 the witness was speaking about the events of November 18th, and I think the record should be corrected to specify November 18 instead of November 19 in line 24.

Mr. Mouritsen: So stipulated.

Mr. Wingrove: On page 2761, line 8, appears this statement:

"One who either does no"—spelled no—"or does not know."

It is a minor point, but "no" is improperly spelled [2795] there.

Trial Examiner Lindsay: It may be corrected.

Mr. Wingrove: Page 2769, line 2—I will go back and read line 1: "at that time and place at which both Mr. Ely and Mr. Perry were present?"

The word "Perry" should be "Parrish."

Mr. Mouritsen: So stipulated.

Mr. Wingrove: Those are the only notations I have at this time, Mr. Examiner.

Mr. Clark: Mr. Glenn, please.

C. H. GLENN

recalled as a witness by and on behalf of the Corcoran Telephone Exchange, having been previously duly sworn, was examined and testified as follows:

Mr. Clark: Mr. Glenn has been sworn, Mr. Examiner.

Trial Examiner Lindsay: Yes. Your first name, Mr. Glenn?

The Witness: C. H. Glenn.

Direct Examination

Q. (By Mr. Clark): Mr. Glenn, I believe you stated when you were last on the stand that you are the president and general manager of the respondent Corcoran Telephone Exchange, is that true?

A. Yes, sir. [2796]

Q. And that also you are the majority stockholder of that corporation?

A. Yes, sir.

(Testimony of C. H. Glenn.)

Q. Now, first let me ask you whether or not the Corcoran Telephone Exchange has an office in Hanford? A. No, they have not.

Q. Has the Corcoran Telephone Exchange any other office than that which is maintained in the City of Corcoran? A. No.

Q. I direct your attention to a statement at line 19 on page 1999 of the transcript in this proceeding, which is included in your testimony: "Hanford is our central office of this district."

I will ask you, Mr. Glenn, whether you remember making any such statement? A. I do.

Q. What is the statement you remember making in that connection?

A. I had in mind that the Hanford office is the central office of the Pacific people, and not ours.

Q. I see.

What is the correct statement in that regard, then?

A. That Hanford is their central office.

Q. I see.

And by "their," you refer to whom? [2797]

A. The Pacific Telephone & Telegraph Company.

Q. All right.

Now, I believe that you also testified when you were last on the stand, Mr. Glenn, concerning certain cables belonging to the Pacific Telephone & Telegraph Company, which are attached to the board at the office of the Corcoran Telephone Exchange here in Corcoran.

(Testimony of C. H. Glenn.)

Do you remember that testimony?

A. Yes, sir.

Q. Will you please describe for us as best you can how those cables are physically attached to the board in the office of the Corcoran Telephone Exchange?

A. They are attached by solder. The wires are soldered to the back.

Q. And how do they come into the building, please?

A. They come in through the rear of the building, and to the back of the switchboard.

Q. All right.

Now, are those cables any part of the wires or lines and cables which you have already described for us as belonging to the Corcoran Telephone Exchange?

A. No. They belong entirely to the Pacific Telephone & Telegraph Company.

Q. All right.

Are they then a part of separate cables or wires maintained by the Pacific Telephone & Telegraph Company? [2798]

A. Yes, they are.

Q. So far as the work is concerned in bringing those cables into the building occupied by the Corcoran Telephone Exchange and fixing them to the board there, would you please tell us whether or not the Corcoran Telephone Exchange took any part in that?

A. We did not.

(Testimony of C. H. Glenn.)

Q. All right.

At any time, Mr. Glenn, has the Corcoran Telephone Exchange done any maintenance work with respect to those cables? A. No, sir.

Q. Has the Corcoran Telephone Exchange at any time done any repair work on those cables?

A. No, sir.

Q. Do you know whether or not the Pacific Telephone & Telegraph Company maintains any cables or wires in the County of Kings? A. Yes.

Q. Will you please tell us whether or not the Corcoran Telephone Exchange has ever done any maintenance or repair work on such cables or wires maintained by the Pacific Telephone & Telegraph Company? A. No, sir, we never have.

Q. Can you tell us whether or not, to your knowledge, there are any telephones connecting with any out-of-state systems [2799] or by which one could put in a toll call to a point beyond the State of California maintained by the Pacific Telephone & Telegraph Company in Kings County?

Mr. Mouritsen: May I have that read?

(The question referred to was read by the reporter, as set forth above.)

Mr. Mouritsen: I will object to it on the ground that it is ambiguous, confusing and indefinite.

Mr. Clark: I will submit it.

Trial Examiner Lindsay: Well, I think there should be some foundation laid for that.

Mr. Clark: I simply want to know, Mr. Examiner—

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay (Interrupting): I know what you wish to know, Mr. Clark. [2800]

Mr. Clark: It is a preliminary question. It is part of the foundation I am laying for a further question.

I will reframe it.

Q. Do you know whether or not the Pacific Telephone & Telegraph Company maintains any telephones itself here in Kings County?

A. Yes, sir.

And will you please tell us how near to the City of Corcoran—withdraw that.

Will you please tell us how near to the City of Corcoran any of those telephones are?

A. I should say that the nearest one is about six miles.

Q. All right.

And where is that located, if you know?

A. At Angiola.

Q. And is that six miles by highway?

A. Approximately, yes, sir.

Q. Will you please state whether or not by use of that telephone, a person would be able to put in and complete an out-of-state call?

Mr. Mouritsen: I will object to that on the ground that that——

Mr. Clark (Interrupting): Withdraw that.

Q. Does that telephone connect with the Pacific Telephone & Telegraph System, if you know? [2801]

A. Yes, sir.

Q. And is it maintained by the Pacific Telephone & Telegraph Company? A. Yes, sir.

(Testimony of C. H. Glenn.)

Q. Do you know whether or not calls out of the State of California can be put through by the use of that phone? A. Yes, sir. [2802]

Q. Now, do you know of any other similar telephones maintained by the Pacific Telephone and Telegraph Company in the vicinity of the town of Corcoran?

Mr. Mouritsen: Objected to as incompetent, irrelevant and immaterial, calling for something beyond the knowledge of this witness.

Mr. Clark: I say, does he know.

Trial Examiner Lindsay: Sustained.

Just a minute. Off the record.

(Here followed discussion outside the record.)

Mr. Clark: The objection is sustained, is that right?

Trial Examiner Lindsay: Yes.

Mr. Clark: Very well.

Q. Now, Mr. Glenn, do you know a Mrs. Margaret Dunn? A. Yes, sir.

Q. And for how long have you known Mrs. Dunn? A. About 15 years.

Q. Prior to March 1st of this year was she employed by you at the Corcoran Telephone Exchange?

A. She was; yes, sir.

Q. And in what capacity, please?

A. As telephone operator.

Q. Directing your attention to the period from two to three years prior to March 1, 1939, I will ask

(Testimony of C. H. Glenn.)

you whether or not any change occurred with respect to the performance by Mrs. Dunn of her duties at the exchange? [2803] A. Yes, sir.

Q. Please answer yes or no. A. Yes, sir.

Q. Will you please state what that was?

A. About two and a half years previous to March 1st Mrs. Dunn informed me one evening that she——

Mr. Mouritsen (Interrupting): If this calls for a conversation, let us have the foundation laid.

Mr. Clark: Very well. Let me have the question back, please, Mr. Examiner.

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark) Will you please tell us what the change was, without giving us any conversation between you and Mrs. Dunn at that time.

A. Well, I just don't get that.

Q. We will call for the conversation later.

Trial Examiner Lindsay: Read the question.

Mr. Clark: The question is: "What was the change?"

Trial Examiner Lindsay: I am asking him for the question.

(The record referred to was read by the reporter, as set forth above.)

The Witness: A change in her physical condition. [2804]

(Testimony of C. H. Glenn.)

Mr. Clark: Very well.

Mr. Mouritsen: I move to strike on the ground it is not responsive.

Mr. Clark: I will submit it.

Trial Examiner Lindsay: Well, it may stand.

Q. (By Mr. Clark) Now, at that time, Mr. Glenn, that is, approximately two and a half years prior to March 1st of this year, did you have any talk with Mrs. Dunn with respect to her physical condition? A. Prior to this time?

Q. About two and a half years prior to March 1st of this year.

A. Yes, sir.

Q. Do you remember where that was?

A. It was at the office of the Telephone Exchange.

Q. And do you remember whether or not anyone else was present?

A. No, there was not.

Q. Will you please state what Mrs. Dunn said to you in that regard and what you said to her?

A. Mrs. Dunn told me that she had stood a physical examination during the day and that the doctor had informed her that she either had a tumor or a cancer and that he suggested an immediate operation. [2805]

Q. I see.

Did she state to you—withdraw that.

Did she have such an operation, so far as you know?

A. I asked her—no, she told me a few days after

(Testimony of C. H. Glenn.)

that that she would not.

Q. Did she continue working at the Exchange?

A. Yes, sir.

Q. Immediately following your conversation with Mrs. Dunn on that occasion, did you notice any change in her ability to do the work?

A. Not immediately.

Q. I see.

And did you ultimately notice any change in the manner in which Mrs. Dunn was performing her duties at the Exchange?

A. Yes, sir.

Q. All right.

Can you tell us approximately how long it was after the conversation you placed for us, being about two and a half years prior to March 1st, 1939, that this change manifested itself?

A. Well, I think about a year.

Mr. Mouritsen: This is objected to upon the ground it is too remote to have any bearing on any of the issues in this case.

Mr. Clark: It does, after all—— [2806]

Trial Examiner Lindsay (Interrupting): The answer may stand.

Mr. Clark: Very well.

Q. You think about a year after that conversation, is that correct?

A. I would say about that long.

Q. All right.

Mr. Mouritsen: May I have it understood I have a continued objection to this line of testimony upon

(Testimony of C. H. Glenn.)

the ground it is incompetent, irrelevant and immaterial, and too remote to have any bearing upon the issues in this case?

Mr. Clark: I will stipulate that the objection may run to the entire line of testimony.

Q. Mr. Glenn, will you describe this change for us?

A. The change was noticeable to me from the fact that she would brace herself with a pillow when she was sitting at the board and from her nervousness, and from the fact that she started to drink liquor.

Q. Now, so far as the brace, so far as the bracing of herself with a pillow is concerned, let me ask you whether you noticed from time to time, or whether or not you noticed from time to time, any manifestation of pain on the part of Mrs. Dunn while she was on duty?

A. I know there were times when she would go to work that she would have to put on a relief operator and go home. [2807]

Q. I see.

Now, when did those manifestations—withdraw that.

At about this time, Mr. Glenn, can you tell us whether or not there were any complaints made by any of your customers concerning the service rendered them by Mrs. Dunn?

Mr. Mouritsen: May I have the time fixed?

Trial Examiner Lindsay: You mean about a year ago?

(Testimony of C. H. Glenn.)

Mr. Clark: I mean a year and a half prior to March 1st.

Trial Examiner Lindsay: A year and a half prior to March 1st.

The Witness: Yes, we had complaints.

Mr. Clark: Very well.

Q. Now, can you tell us whether or not—withdraw that.

Had there been complaints about Mrs. Dunn prior to this period of a year and a half before March 1st, 1939?

A. Well, I don't think an unusual amount.

Q. All right.

Now, during the period of a year and a half immediately before March 1st, 1939, will you tell us whether or not complaints increased in frequency?

A. Yes, they did.

Q. All right.

Now, do you remember any persons who made those complaints about her during the period of time to which I have directed your attention? [2808]

A. Yes, sir.

Q. Will you please state the names of some of them? A. Kenneth Betell.

Q. And who is Mr. Betell?

A. He is a pump man, a farmer.

Q. And who else, please?

A. Blake Crary.

Q. And who is Mr. Crary?

A. Cashier of the First National Bank.

(Testimony of C. H. Glenn.)

Q. Of Corcoran? A. Of Corcoran.

Q. And anyone else?

A. Ed Arnold — that was later — pardon me (pause).

Mr. Mouritsen: Let the record show the pause that the witness is making at this time.

Mr. Clark: I am sure it will, Mr. Mouritsen.

The Witness: John Kanst.

Q. (By Mr. Clark) Who is he, please?

A. He is a dairyman, farmer. (Pause.)

Mr. Mouritsen: The record will show a prolonged pause at this time, too, I am sure.

The Witness: Marion Phillips.

Q. (By Mr. Clark) Who is Mr. Phillips?

A. A San Joaquin Light & Power Corporation employee; Bill Mink. [2809]

Q. And who is Mr. Mink?

A. He is a truckman.

Q. I see.

Any others you can think of?

A. (Pause). Boswell Gin.

Q. That is the Respondent, J. G. Boswell Company? A. Yes.

Q. All right.

Any others?

Mr. Mouritsen: May I have that clarified? Obviously, the gin can't complain about it.

Mr. Clark: I asked him if that was the Respondent, J. G. Boswell Company, and he answered "Yes."

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay: But who in the Company?

The Witness: Albert Armour.

Q. (By Mr. Clark) Anyone else?

A. (Pause.)

Mr. Mouritsen: The record will indicate the pause.

The Witness: I don't remember just now.

Mr. Clark: All right.

Q. Did a Mr. T. K. Brown complain to you?

A. Yes, sir.

Mr. Mouritsen: Objected to as leading and suggestive.

Mr. Clark: He says he doesn't think of anyone else, and I have a right now to ask him specifically whether different [2810] people complained. I asked him whether or not Mr. Brown complained.

Q. The answer is what? A. Yes, sir.

Q. All right.

Now, were these complaints—withdraw that.

Were these all the complaints that you received during this year and a half period of time, Mr. Glenn, or were there others?

A. There were others. The complaints were coming in right along.

Q. I see.

And would you say that the complaints concerning Mrs. Dunn's service, or the service rendered by her, while working at the Corcoran Telephone Exchange, were more numerous during the year and a

(Testimony of C. H. Glenn.)

half period than they had been prior to that time?

Mr. Mouritsen: Objected to as calling for a conclusion of the witness.

Q. (By Mr. Clark) If you know?

Trial Examiner Lindsay: Now, just a moment. I believe there is an objection there that I have not ruled on that was cut off on my ruling. Mr. Mouritsen objected. When an objection is made, will you gentlemen just stop and let me rule on it.

Mr. Clark: I didn't hear it, Mr. Examiner.

Trial Examiner Lindsay: Well, it will show that you did [2811] hear. Go back and read that.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Now, go back and strike everything out of the record except the objection.

Mr. Clark: You mean physically strike it?

Trial Examiner Lindsay: And Mr. Clark's statement, then I will rule on it, and you may reask it.

Mr. Clark: Mr. Examiner, in the first place I am going to object to your striking out anything in the record concerning that question which appears in it at this time, and if there are any comments concerning that colloquy to be made by the Trial Examiner, I am going to insist, so far as I am able to do so, that they be on the record. [2812]

Trial Examiner Lindsay: Listen, Mr. Clark. It may be on the record. Anything that I have said

(Testimony of C. H. Glenn.)

off the record was merely for the purpose of keeping out of the record things that are not necessary to have in the record and I am satisfied, Mr. Clark, that in no court would you or any other attorney try to proceed to make a witness answer a question when there is an objection without a ruling on it. I am sure that you don't take the attitude that you have a right, when an objection is made, to direct the witness to answer a question and disregard the court completely on the matter.

Mr. Clark: Certainly not.

Trial Examiner Lindsay: If that is your attitude, then you surely don't have any place in a hearing.

Mr. Clark: Well, I think that remark is entirely uncalled for from you, Mr. Examiner.

Trial Examiner Lindsay: No, it is not uncalled for. I don't want a bit of argument, not a bit. Stop right now.

Mr. Clark: Well, I am not going to be told by you, Mr. Lindsay——

Trial Examiner Lindsay (Interrupting): You are going to do as I tell you.

Mr. Clark (Continuing): ——that I have no place in a court room.

Trial Examiner Lindsay (Continuing): Or you are not going [2813] to be in here.

Mr. Clark: That is quite all right with me too.

Trial Examiner Lindsay: All right.

Mr. Clark: Now——

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay (Interrupting): Just a minute——

Mr. Clark (Continuing): First, I want to apologize, Mr. Lindsay, for losing my temper and I want to state so far as the record is concerned that I did not deliberately attempt to get Mr. Glenn to answer that question before any ruling by your Honor. I didn't think that Mr. Mouritsen's objection had been seriously considered and I simply made the statement I did and after that Mr. Glenn answered.

I certainly didn't mean to prevent you from making a ruling on any objection.

Trial Examiner Lindsay: I will accept your apology, Mr. Clark; but repeatedly all during this hearing I have constantly stricken from the record, at your request, even my own rulings and everything that preceded or everything that followed until I did rule on it and then we went back and did the same thing. I was merely asking that we do that particular thing in this matter.

Your remarks were a little uncalled for. They were without justification or without reason. Now just remember one thing, that every attorney who comes in here to practice is an officer of this court while we are in here just the same [2814] as you are an officer of any other court and when a direction is given, that doesn't in any way affect anyone's testimony, merely to keep on and to keep the record in order, then an attorney is entirely out of order when he objects to it. All during this hearing, every

(Testimony of C. H. Glenn.)

time I have attempted to make a ruling, I have been cut off constantly and the right does not lie with any individual in any hearing, as an attorney, to make sarcastic remarks to anyone in charge of a hearing and neither does it give him the privilege or anyone else the privilege to constantly cut off remarks that are attempted to be made or rulings that are attempted to be made. You have a duty to perform and that is to come in and conduct yourself as a gentleman in a hearing, whether it is in this court or any other court, and to elicit facts from a witness and to preserve your record, and when you have done that, your duty to your client and to everyone else has been completed, but in performing that duty you must conduct yourself properly before this court or before any other court and that is all I am asking.

Now proceed in an orderly way. I don't want any more of this.

Now before I make a ruling I have a right, a perfect right, to stop a second and think about it and then when others start in talking and cut me off we have no ruling. Now the situation is this, that I either have to rule in favor [2815] of the respondent or I must go back and strike out that testimony. Now that is the position I am in through it.

Now, may I have the question and the testimony again?

(The record referred to was read by the reporter, as set forth above.)

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay: Well, it may stand.

Q. (By Mr. Clark) Now, Mr. Glenn, will you please tell us whether or not these complaints continued right up to the first of the year 1939?

Mr. Mouritsen: Objected to as vague and indefinite. We have never had any explanation of what these complaints are.

Mr. Clark: He has been testifying to the complaints.

Trial Examiner Lindsay: Sustained.

Mr. Clark: Very well. All right.

Q. You spoke of Mrs. Dunn having started to drink during the year and a half immediately preceding March 1st, 1939.

Will you please tell us when you first noticed that?

Mr. Mouritsen: I will object to this unless it is connected with the work in some way.

Mr. Clark: I will withdraw it.

Q. At any time during the year and a half period immediately preceding March 1, 1939, did you notice that Mrs. Dunn had been drinking on the job? A. Yes, sir. [2816]

Q. All right.

And when did you first notice that, please?

A. It was a year or more before March 1st.

Q. All right.

Mr. Mouritsen: May we have that year before March 1st?

Trial Examiner Lindsay: A year or more.

(Testimony of C. H. Glenn.)

Q. (By Mr. Clark) Before March 1st of what year? A. 1939.

Q. And in what way did you notice that, Mr. Glenn? A. I smelled it on her.

Q. And will you please give us some indication of the number of times you smelled liquor on her breath?

A. Well, it was periodically throughout the year until March 1st.

Q. What do you mean by "periodically"?

A. It wasn't all of the time I smelled it on her, but I smelled it on her a great deal.

Q. All right.

A. During that time.

During that period of time, namely, a year or more prior to March 1st, 1939, did you notice a bottle of liquor in the ice box at the exchange?

A. Yes, a number of times.

Q. Did you ever have any conversations with Mrs. Dunn about that? [2817] A. Yes, sir.

Q. And when, please? Just give us one of them, if there were more than one.

A. I think that perhaps about three or four months after I began smelling it on her.

Q. I see.

And there was that conversation, if you remember it?

A. At the office, the telephone office.

Q. What did you say to her and what did she say to you with respect to the question of her having been drinking?

(Testimony of C. H. Glenn.)

Mr. Mouritsen: May we have the foundation completed before the conversation is given?

Mr. Clark: I will submit it.

Trial Examiner Lindsay: Yes.

Q. (By Mr. Clark) Was anyone else present?

A. No.

Q. Will you tell us what you said to her and what she said to you with respect to drinking?

A. She brought up the subject herself.

Q. What did she say?

A. She told me that the doctor had advised her to drink port wine to strengthen her.

Q. What did you say to that?

A. I don't know that I answered it at all.

Q. Very well. [2818]

Now, during the period of a year and a half prior to March 1st, 1939, were any complaints made to you and by any of the other operators concerning Mrs. Dunn's conduct while on duty at the office?

Mr. Mouritsen: I object to that as calling for a conclusion of the witness; vague and indefinite as to what the complaints are.

Mr. Clark: I withdraw that.

Q. During the year and a half period immediately preceding March 1st, 1939, did you employ any other operators other than Mrs. Dunn?

A. Yes, sir.

Q. Were any of those people on duty at the same time as Mrs. Dunn during that period of time?

A. There were.

(Testimony of C. H. Glenn.)

Q. Can you state the names of any of them?

A. Lillian Fowler.

Q. Anyone else? A. Mrs. Bunch.

Q. Anyone else? A. Jack Dunn.

Q. Anyone else? These are operators I am calling for.

A. Yes. We have five. Let's see. There was Lillian Fowler and Mrs. Bunch and Jack Dunn, Mrs. Woodruf, and Mr. Woodruf. [2819]

Q. I see.

Now, during the period of approximately a year and a half immediately preceding March 1st, 1939, did any of those persons complain to you with respect to the manner in which Mrs. Dunn had been conducting herself while on duty at the exchange?

Mr. Mouritsen: Objected to as calling for a conclusion of the witness.

Mr. Clark: I will submit it.

Trial Examiner Lindsay: May I have the question?

Mr. Clark: I am not going to go into all of these conversations, Mr. Examiner. I simply want the fact as to whether or not there was a complaint made.

Trial Examiner Lindsay: May I have that question read?

(The question referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: I think you should have the specific complaints noted. [2820]

(Testimony of C. H. Glenn.)

Mr. Clark: I withdraw the question.

Q. During a year and a half immediately preceding March 1st, 1939, did you notice any dissension in the employees of the office?

A. Yes, sir.

Mr. Mouritsen: I move it be stricken on the ground it calls for a conclusion of the witness.

Mr. Clark: I submit it.

Trial Examiner Lindsay: It may be stricken.

Mr. Clark: I will take the ruling on it. I am not going into it. Mr. Mouritsen can go into that if he wants on cross examination.

Q. Mr. Glenn, did you have any conversations with Mrs. Dunn respecting the manner in which she was discharging her duties at the Corcoran Telephone Exchange prior to the 1st of the year, 1939? A. Yes.

Q. Can you tell us when the last—withdraw that.

Did you have more than one such conversation with her during the year and a half immediately preceding the first of March of this year?

A. Yes, sir.

Q. All right.

Now, you tell us when the last one was prior to the first of the year 1939? [2821]

A. That was in, I would say, November.

Q. Of what year, please? A. '38.

Q. All right.

(Testimony of C. H. Glenn.)

Now, do you remeber where that conversation took place?

A. It took place at the office, the telephone office.

Q. Here in Corcoran? A. Yes, sir.

Trial Examiner Lindsay: Just a minute.

Mr. Clark: Yes.

Trial Examiner Lindsay: Mr. Reporter, will you change my ruling above from "It may be stricken," to "It may stay in."

Mr. Clark: May I have what is going back in the record, Mr. Examiner?

Trial Examiner Lindsay: I changed my ruling from "It is stricken," to "It may stand."

Mr. Clark: With respect to my questions concerning her?

Trial Examiner Lindsay: That one question, Mr. Clark.

Mr. Clark: What question?

Trial Examiner Lindsay: About dissension.

Mr. Clark: May I have the last question?

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark): Was anyone else present other than you [2822] and Mrs. Dunn, Mr. Glenn?

A. No, I don't think so.

Q. Will you please tell us what you said to her, and what she said to you on that occasion in respect to the manner in which she was performing her duties at the Exchange?

(Testimony of C. H. Glenn.)

A. I asked Mrs. Dunn why she didn't pay more attention to her health, because it was very apparent her health was being impaired, and was going down.

She told me that she was—the reason—she told me that she just had to work, that she had to have the money, that her oldest son had bought a car, had gone into Los Angeles and had run into a woman on the street, had knocked her down and broken her hip, and that they had compelled the boy to put up a note for a thousand dollars; the boy was unable to make the payments on his car and make the payments on the note, and that he had appealed to his mother for assistance, and that she had gone into Los Angeles and endorsed the note for the son, which she expected she was going to have to pay; and she, therefore, had to work.

Mr. Mouritsen: Very well. I will move to strike all of the testimony on the ground it is not responsive, does not have any bearing on the issues of the case. It isn't directed to the question which was as to the manner of her discharging her duties, and has no bearing.

I move that it go out. [2823]

Mr. Clark: I will submit it.

Trial Examiner Lindsay: It may go out.

Mr. Clark: Very well. I will reframe the question.

Q. Will you please tell us, Mr. Glenn, what Mrs. Dunn said to you—or what you said to Mrs. Dunn

(Testimony of C. H. Glenn.)

and what she said to you on the occasion which you have just identified?

Mr. Mouritsen: I will object to the question on the ground it is incompetent, irrelevant and immaterial.

Mr. Clark: There is no way of telling that, Mr. Examiner, until the conversation comes in.

Trial Examiner Lindsay: He may answer.

The Witness: Will you read the question?

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark): That is in November of 1938, at the office here in Corcoran.

A. Well, I asked Mrs. Dunn why she wasn't paying more attention to her health, and why she didn't lay off and take a rest for awhile, and she told me that her reason was that she simply had to have money, giving as a cause for having to have money that her oldest son had purchased a car, a new car, had gone into Los Angeles, had run into an elderly lady, had knocked her down on the street and broken her hip, and that she had compelled him to sign a note for a thousand dollars and that when the payments came due on his car and the note, he was [2824] unable to meet those two payments, and he had appealed to his mother, and that she had gone into Los Angeles and endorsed that note and that—expected to have to pay the rest of that note.

Q. All right.

(Testimony of C. H. Glenn.)

During that conversation, did you call Mrs. Dunn's attention to the fact that there had been complaints about her work?

Mr. Mouritsen: Objected to as leading and suggestive.

Mr. Clark: Withdraw that.

Q. During that conversation, Mr. Glenn, will you please state whether or not anything was said by you to Mrs. Dunn concerning complaints having been made about her work?

Mr. Mouritsen: Of course, after having asked a leading question and asking the question he wants, counsel has failed to get any worth that would be gotten by a proper question.

Mr. Clark: Is that an objection, Mr. Examiner, or is there a ruling to come from it? [2825]

Trial Examiner Lindsay: When I get ready to rule, Mr. Clark, I will. I understand it was an objection.

Will you read Mr. Mouritsen's statement, Mr. Reporter?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Do you mean that as an objection, Mr. Mouritsen?

Mr. Mouritsen: I merely wanted to indicate, Mr. Examiner, that counsel has merely indicated to the witness how the question is to be answered and then withdraws the question and later tries to elicit the same information by the proper ques-

(Testimony of C. H. Glenn.)

tion, but he has effectively destroyed any value or weight that such testimony has.

Mr. Clark: The record will speak for itself.

May I have the question answered, Mr. Examiner?

Trial Examiner Lindsay: And may I again state that I would really like to have the testimony of the witness, and let us not lead these witnesses this way.

You may answer.

Mr. Clark: May I have the question read back?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark): By customers.

A. Yes. [2826]

Q. Will you tell us what that was, please?

A. (Pause.)

Mr. Mouritsen: The record will indicate the pause of the witness?

The Witness: Well, I don't just recall the complaints of that day.

Q. (By Mr. Clark): I don't care about any specific complaints, Mr. Glenn. If you will give us the substance of what you said to Mrs. Dunn, that is all I want. What you said to her.

Mr. Mouritsen: Well——

The Witness (Interrupting): I said to Mrs.

(Testimony of C. H. Glenn.)

Dunn—I told Mrs. Dunn that there had been complaints from the girls——

Mr. Mouritsen (Interrupting): I move to strike this as not responsive. The question was, complaints by customers.

Mr. Clark: That is right. That may go out, Mr. Examiner, pursuant to a stipulation from us.

Q. We are only concerned with what you said to Mrs. Dunn, Mr. Glenn, on this occasion, if anything, concerning any complaints having been made by customers up to this time.

A. What was the date of this? That is confusing me.

Q. I am directing your attention to the conversation which you told us about as having occurred in November 1938 between you and Mrs. Dunn.

A. No, I didn't ask her of any complaints in November—[2827] I didn't make any complaints in November I don't think.

Q. I see. All right.

During that conversation in November of 1938 between you and Mrs. Dunn did you say anything to her concerning any dissension in the office?

A. Yes, I did.

Q. What, if anything, did you say on that subject?

A. I told her that the girls were complaining very bitterly about her drinking, because it was embarrassing to them. I told her that Mrs. Wood-

(Testimony of C. H. Glenn.)

ruff had told me that she thought she had better quit herself because she couldn't stand the dissension that was going on in the office.

Q. And is Mrs. Woodruff one of the operators there? A. Yes, sir.

Q. Is Mrs. Woodruff's husband employed by you also? A. Yes, sir.

Q. In what capacity, please?

A. As a repairman, lineman.

Q. What, if any, response did Mrs. Dunn make to that, Mr. Glenn, during this conversation?

A. She said that—I don't get it.

Q. Did she say anything at all to you in answer to the statement you have just given us?

A. I think that she told me on that meeting that she was—no. That was not the meeting—that was not the time that [2828] the doctor——

Trial Examiner Lindsay (Interrupting): I think if you will just let this witness answer the question.

The Witness: I don't remember, Mr. Clark.

Mr. Clark: All right.

Q. Can you give us anything else, Mr. Glenn, that was said between you and Mrs. Dunn during this conversation which you have told us took place in November of last year at the office here in Corcoran, or have you exhausted it?

A. (Pause.) Will you please ask that question again?

Mr. Clark: May I have the question read?

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I cannot. I don't remember what that conversation was.

Mr. Clark: All right.

Q. Now, did you have—withdraw that.

Can you tell us what prompted you to have this conversation with Mrs. Dunn at this time?

A. Because of her condition and the complaints that were coming in from the outside.

Q. I see.

Did you have a further conversation with Mrs. Dunn during the month of January of this year respecting the performance [2829] by her of her duties at the Exchange? A. Yes, sir.

Q. Can you place the time for us as nearly as you can, or will you place the time for us as nearly as you can?

A. About the first of January, I think.

Q. About the first of January? A. Yes.

Q. And where did that conversation take place?

A. That conversation took place at the office.

[2830]

Q. And by "the office," you mean the office of the Exchange here in Corcoran? A. Yes, sir.

Q. Who, if anyone, else was present?

A. There wasn't anybody present—just Mrs. Dunn and I.

(Testimony of C. H. Glenn.)

Q. All right.

What prompted this conversation, please?

A. This conversation took place the latter part of January.

Q. Well, can you fix the date for us as nearly as possible?

A. Yes. It was the week of the 22nd, I would say. It was the last part of January.

Q. How do you fix the date?

A. I fix the date from the fact that my birthday is on the 31st of January and I know it was before that date.

Q. All right.

Now, I believe you said this conversation took place at the office of the Telephone Exchange?

A. Yes, sir.

Q. And that no one else was present besides you and Mrs. Dunn?

A. That is correct.

Mr. Mouritsen: Is this a conversation that was fixed around the first of January?

Mr. Clark: Apparently he changed the date. He said it [2831] was around the 1st of January, and then he said he wanted to make a correction, and now he thinks it was the latter part of January.

Mr. Mouritsen: Thank you.

Q. (By Mr. Clark) Which is it, Mr. Glenn, around the 1st or last part of January?

A. Last part of January.

Trial Examiner Lindsay: What year?

(Testimony of C. H. Glenn.)

The Witness: 1938.

Mr. Clark: Very well.

The Witness: January, 1939. Pardon me.

Trial Examiner Lindsay: '39?

The Witness: Yes, sir.

Q. (By Mr. Clark) Now, will you please tell us what you said to Mrs. Dunn on that occasion concerning the performance by her of her duties at the Exchange, and what she said to you, if anything?

A. I told Mrs. Dunn—I called Mrs. Dunn into the back office. I told her that Albert Armour of the Boswell Company had brought charges that she was running around nights with Fred Galusha, and that they objected very strenuously because Fred Galusha was superintendent of the Anderson-Clayton Ginning Company, and since she was handling their intimate business calls over the phone, they objected to the competitor to her running around with a competitor very much. [2832]

Mr. Mouritsen: Mr. Examiner, I move to strike that as not responsive and as having no bearing on the case. I suppose counsel knew of this conversation before he requested the witness to testify.

Mr. Clark: Of course I did. I am attempting to solicit it as best I can, and I will take whatever ruling the Examiner chooses to make on it.

Trial Examiner Lindsay: May I have the question, please?

(The question referred to was read by the reporter, as set forth above.)

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay: That may stand.

Q. (By Mr. Clark) By "they," to whom do you refer, Mr. Glenn? A. Boswell Company.

Q. All right.

And had Mr. Armour, in fact, made such complaint to you? A. Yes, sir.

Q. And when, please?

A. On the morning that I spoke to her; of the day.

Q. All right.

Now, was anything else said by you or Mrs. Dunn in that connection during this conversation?

A. Yes, sir.

Q. Please state what it was?

A. She told me that she didn't consider it was of anybody else's business what she did because she was on her own [2833] hours, and I told her that as far as the personal element was concerned, that it wasn't any of my business, but as far as the business element was concerned, I was going to make it my business, and if that thing was going to continue, I wanted her to hand me her resignation.

Q. All right.

Was that all of the conversation?

A. No, sir.

Q. Well, give us the rest of it, all that you can remember?

A. Mrs. Dunn cried. She told me that she was very sorry I felt that way about it, and I assured

(Testimony of C. H. Glenn.)

her that she must stop the thing because of the slips that were possible in doing a thing of that kind. She assured me she would stop.

Q. Is that all you can remember?

A. (Pause). I told her that there was—spoke to her about the dissension that was going on in the office.

Q. What did she say about it?

A. I told her that the girls were complaining, and that she must—that that dissension would have to stop in the office.

Q. Did you say anything to her about there having been a prior leak? A. Yes, sir.

Q. In the office, respecting Boswell Company?

A. Yes.

Mr. Mouritsen: Objected to as leading and suggestive, and [2834] move that the answer go out.

Mr. Clark: I will submit it.

Mr. Mouritsen: Until the Examiner can rule on it.

Mr. Clark: The answer may go out by stipulation, in order for the ruling to come in.

Trial Examiner Lindsay: Will you please stop leading the witness and allow him to testify.

Q. (By Mr. Clark) Will you please state whether or not anything was said during this conversation by you to Mrs. Dunn respecting any prior leak out of the Telephone Exchange affecting Boswell and Company?

Mr. Mouritsen: I will object to that as leading and suggestive.

(Testimony of C. H. Glenn.)

Mr. Clark: I will submit it. It is not leading, Mr. Examiner.

Trial Examiner Lindsay: It may stand. Proceed.

Mr. Clark: Very well.

Q. Do you have the question in mind?

A. Yes.

They said—Albert Armour had called to mind that a couple of years before there had been a slip, a leak of information through our board, and that through that leak they had lost quite a valuable concession—one of their customers had lost a very valuable concession—and that if there were any more leaks, that they felt that they should hold the Tele- [2835] phone Company responsible.

Mr. Mouritsen: I move to strike that; as I understand the question, the witness started out and said "They said," and then gave all of this conversation.

Mr. Clark: I think he started "They said," and corrected it to Albert Armour said.

Trial Examiner Lindsay: Read back his answer, will you please?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Did you blame Mrs. Dunn for that leak?

The Witness: No, sir.

Trial Examiner Lindsay: You didn't know who was the cause for that leak, did you?

(Testimony of C. H. Glenn.)

The Witness: They didn't say.

Trial Examiner Lindsay: All right.

The Witness: Said it went in across our board.

[2836]

Q. (By Mr. Clark) Now, Mr. Glenn, is this part of what you told Mrs. Dunn during this conversation that you are relating for us?

A. Yes, sir.

Q. In other words you told her all of this statement which had been made to you by Mr. Armour, is that true?

Mr. Mouritsen: Objected to as leading and suggestive.

Mr. Clark: I just want to be sure about it. I don't want him relating what Armour said.

The Witness: Yes, sir.

Q. (By Mr. Clark) Was there anything else said by either you or Mrs. Dunn on that occasion?

A. Yes, sir.

Q. Please state what it was.

A. I told her that there was too much dissension in the office, that that must stop. She told me that she would stop, that she would make every effort to stop the quarreling that was going on in the office.

Q. All right.

Now, at the time that you had this conversation with Mrs. Dunn, Mr. Glenn, had you heard anything whatsoever concerning any petition having been circulated by anyone here in Corcoran to have her discharged?

A. No, sir.

(Testimony of C. H. Glenn.)

Q. At the time you had this conversation with Mrs. Dunn, Mr. [2837] Glenn, had you heard anything whatsoever about her daughters, or either of them, having been seen down talking to the pickets in front of the Boswell plant?

A. No, sir.

Q. All right.

Did you have a subsequent conversation with Mrs. Dunn about her work at the office?

A. Subsequent?

Q. Afterwards, after this? A. Oh, yes.

Q. Did you have another conversation with her?

A. Yes, sir.

Q. When was that, please?

A. That was about the middle of February.

Q. And where did that take place?

A. At Mrs. Dunn's home.

Q. Was anyone else present?

A. Not that I know of.

Q. All right.

Please tell us what was said by either you or her.

A. Mrs. Dunn had called me to her home saying that she wanted to talk to me. When I got there she asked me if I had heard anything about a petition that was being circulated. I asked her what the petition was.

She said it was a petition to get her discharged because her daughters had gone down to the gin. [2838]

Q. You say this was about the middle of February? A. Yes.

(Testimony of C. H. Glenn.)

Q. All right.

A. I told her that I had not heard anything about any petition of that kind, that she needn't worry—then she went on to say that the girls had talked the morning before about the pickets being in down to the gin and she told them, asked them why they didn't go down there and see. The girls had said that they hadn't seen any pickets before, how it was worked, so she had advised them to go down there and see.

I told her that the fact of a petition being circulated could have no bearing at all on our plant, I couldn't take cognizance of that because we were a public service corporation and that we must keep neutral in everything of that kind.

Trial Examiner Lindsay: What did you mean then when you said or started to say she need not worry?

The Witness: Because she was fearful that this petition—she told me that they were petitioning me to fire her and I told her she needn't worry about that at all, I wouldn't take cognizance of such a petition, for her to go right ahead and just not say anything.

Trial Examiner Lindsay: And you didn't intend to fire her?

The Witness: No, sir.

Mr. Clark: All right. [2839]

Q. Now, Mr. Glenn, will you please tell us whether or not in fact you had heard that there

(Testimony of C. H. Glenn.)

was such a petition being circulated at the time of this conversation with Mrs. Dunn in the middle of February.

A. No, that is the first that I had heard of it, when she asked me about it.

Q. Very well.

And had you, prior to her telling you about it, heard anything whatsoever concerning her daughters being seen talking to the pickets down at the Boswell plant?

A. No, sir.

Q. All right.

May I have a recess at this time, Mr. Examiner?

Trial Examiner Lindsay: Yes; a ten-minute recess.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: May I have the last question and answer read, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark) Now, Mr. Glenn, did you ever have any further conversations with Mrs. Dunn respecting her employment at the Corcoran Telephone Exchange? [2840]

A. Prior, did you say?

Q. No, any further conversations beyond that

(Testimony of C. H. Glenn.)

one in the middle of February. A. Yes, sir.

Q. When was the next time you talked to Mrs. Dunn with respect to that subject matter?

A. March 1st.

Q. And will you please tell us where that conversation took place?

A. At the telephone office.

Q. Was anyone else present other than you and Mrs. Dunn?

A. No, just Mrs. Dunn and myself.

Q. Now, between the conversation in the middle of February and this occasion that you have just located for us, had anything happened which prompted you to again talk to Mrs. Dunn?

A. Yes.

Q. All right.

Will you please state what that was?

A. Mrs. Woodruff had come to me and told me that she had——

Mr. Mouritsen (Interrupting): May I have the foundation for this laid?

Mr. Clark: May I ask that that go out, Mr. Examiner, as not responsive. I think the question called for what happened, what if anything happened which caused this further conversa- [2841] tion and it does not call for any conversation between the witness and Mrs. Woodruff.

Trial Examiner Lindsay: Yes, it may go out.

Read the question.

(The record referred to was read by the reporter, as set forth above.)

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay: Do you understand?

Q. (By Mr. Clark) Tell us what happened, not what anyone said, but what happened.

Trial Examiner Lindsay: Do you understand the question?

The Witness: Yes, I understand the question.
(Pause)

Mr. Mouritsen: Let the record indicate a pause.

Mr. Clark: I will withdraw the question, Mr. Examiner.

Trial Examiner Lindsay: Can't you answer that question, Mr. Witness?

The Witness: I don't—I—— (Pause) ——no, sir, I can't recall it.

Mr. Clark: I will later elicit the Woodruff conversation, Mr. Examiner.

Q. Directing your attention, Mr. Glenn, to the conversation you told us occurred between you and Mrs. Dunn on March 1st of this year——

A. (Interrupting) Yes, sir.

Q. (Continuing) I will ask you to please tell us what you said to her and what she said to you on that occasion. [2842]

Mr. Mouritsen: Could we have this foundation laid?

Mr. Clark: Yes, indeed; the time, place and persons present have all been testified to.

The Witness: The meeting of March 1st?

Q. (By Mr. Clark) Your conversation with Mrs. Dunn on March 1st of this year that you told us took place, what happened, what was said.

(Testimony of C. H. Glenn.)

A. I told Mrs. Dunn—I called Mrs. Dunn into the back office and I told her that Mrs. Woodruff had told me that she was—she had made every effort to get along with Mrs. Dunn, that she found it impossible to do so and that she wanted to quit. I told Mrs. Dunn that on account of her physical condition and the use of liquor that was so offensive to the girls, that I wanted her to resign.

She told me that she couldn't resign, that she simply had to work.

Q. Was anything else said on that occasion that you can give us at this time?

A. (Pause) She said that she would make every effort to—she would go out and apologize to the girls and make every effort to get along. (Pause) I think that was about all the conversation.

She said that she simply could not—that she simply could not resign.

Q. All right. [2843]

A. She said that she had been offered a job out at Tommy Craine's and if she had known this was coming up, she would have taken that position.

Q. I see.

Now, was anything said during that conversation, Mr. Glenn, in any manner concerning the existence of the labor trouble at the Boswell gin?

A. Yes. We spoke about the—she took—no, not at that meeting.

Q. All right, then. You are sure of that? [2844]

A. Yes, sir.

(Testimony of C. H. Glenn.)

Q. Have you given us substantially all of the conversation that occurred at that time, that is, on March 1st, between you and Mrs. Dunn?

A. In substance, I think.

Q. All right.

Now, prior to that time, had Mrs. Woodruff, in fact, advised you that she was going to quit?

A. Yes.

Q. Did anything happen later on the day of March 1st of this year concerning Mrs. Dunn's employment at the Corcoran Telephone Exchange?

A. Yes, sir.

Q. All right.

Will you please state what that was?

A. Mr. Dunn—Mr. Woodruff came to the office and told me that Mrs. Woodruff—

Mr. Mouritsen (Interrupting): May I have the foundation?

Mr. Clark: All right.

Trial Examiner Lindsay: Yes.

Mr. Clark: May I have the question read back, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.) [2845]

Q. (By Mr. Clark) Was it a conversation between you and Mr. Woodruff? A. Yes.

Q. All right.

Where did that take place?

A. It took place in my office in the bank building.

(Testimony of C. H. Glenn.)

Q. Was anyone else present? A. No, sir.

Q. What time of day was it, do you remember?

A. It was in the morning. I would judge about half past 8:00, pretty early in the morning.

Q. All right.

This is March 1st, is that right?

A. Yes, sir.

Q. Tell us what Mr. Woodruff said, if anything, and what you said?

A. Mr. Woodruff told me that Mrs. Woodruff had decided to resign; resign her position.

Q. Anything else?

A. No, I think that was all he told me at that time.

Q. Was this before or after your conversation with Mrs. Dunn on that day?

A. It was before.

Q. All right.

Then you had the conversation with Mrs. Dunn you have told [2846] us about, is that right?

A. Yes.

Q. Now, the thing I am asking you, Mr. Glenn, is, did anything further happen after your conversation with Mrs. Dunn which related to her employment? A. Yes, sir.

Q. At the Corcoran Telephone Exchange?

A. Yes.

Q. All right.

What was that?

A. After I had talked with Mrs. Dunn in the

(Testimony of C. H. Glenn.)

morning, I went out to the ranch, and when I came back after dinner, as I entered the office, Mrs. Dunn ran past me, sobbing hysterically.

Q. All right.

What time of day was this?

A. It was in the afternoon, I should judge about 2:00 o'clock.

Q. And by "dinner", you referred to the mid-day meal? A. Luncheon, yes, sir.

Q. And this was as you were returning to the Corcoran Telephone Exchange office, is that correct? A. Yes, sir.

Q. All right.

Now, what, if anything, did you do?

A. I went on into the office, into the back office, and I sat there for a few minutes, and the phone rang; and Mrs. Dunn— [2847] —it was Mrs. Dunn calling—and she asked me if I would come to the house and talk to her. I told her, No, that I didn't want to talk to her any more now—at that time, and she asked me if I could come to her house, and I told her no, I thought the best thing for her to do was stay at home and rest.

She asked me if I was going to let her come back, and I told her I didn't know, that I would let her know later.

Q. All right.

Now, at the time you saw Mrs. Dunn running out the door of the office of the Exchange sobbing, did you stop and talk with her at that time?

(Testimony of C. H. Glenn.)

A. No, sir.

Q. Did you observe anything after you entered the office of the Exchange with respect to the remaining operators who were there?

A. Well, I noticed the other operators were very—their faces were white, and they were very much distraught, seemed very much distraught.

Mr. Mouritsen: I move that that last go out as giving a conclusion of the witness.

Trial Examiner Lindsay: May I have it read back?

(The answer referred to was read by the reporter, as set forth above.)

Mr. Clark: "Seemed very much distraught," may go out. [2848]

Mr. Mouritsen: And also the preceding word "distraught." I move that go out.

Mr. Clark: I submit that.

Trial Examiner Lindsay: It may go out, that is, the last one.

Q. (By Mr. Clark) Did you make any inquiry from any of them concerning what had happened?

A. No, I didn't.

Q. All right.

Then you had this telephone conversation you have told us about with Mrs. Dunn, is that correct?

A. From the back office, yes, sir.

Q. And now, what next occurred, if anything, with respect to the relationship of Mrs. Dunn to the Corcoran Telephone Exchange?

(Testimony of C. H. Glenn.)

A. Well, that evening about 5:00 o'clock Mr. Dunn came to my office at the bank building.

Q. All right.

Is that Mr. Dunn, John E. Dunn, the husband of this lady?

A. It is Ernest Dunn. I don't know.

Q. Very well.

Her husband, anyway; is that correct?

A. Yes.

Q. And did you have a conversation with him at that time? A. Yes, sir. [2849]

Q. Was anyone else present?

A. I believe that our secretary, Miss Nonhof, was in the office.

Q. Where was this conversation?

A. In the office in the bank building.

Q. That is, your office in the bank building?

A. Yes, sir.

Q. Will you please tell us whether or not there were other desks for other people in that office?

A. Yes, sir, there are.

Q. In other words, is it all one large room?

A. Yes, sir.

Q. Do you remember whether or not anyone else was present in the room at the time you talked to Mr. Dunn?

A. I don't think—I think that when Mr. Dunn came in, I think that Miss Nonhof was in the office, but I think she went out.

Q. I see.

(Testimony of C. H. Glenn.)

Now, please tell us what was said by you to Mr. Dunn, and what he said to you respecting his wife's connection with the Corcoran Telephone Exchange, or this matter?

A. Well, Mr. Dunn asked me what I was—what I was doing with his family. And I told him that I—that it was his family, and he would have to answer that himself.

He looked at me a minute, and I asked him if he wanted to [2850] come in and sit down.

He did go in—came behind the desk, and sat down.

He then asked me what I—I think he asked me why I had it in for his family.

I told him that I didn't have it in for his family at all, that I had always shown Mrs. Dunn every consideration in all of the years she had been employed by me, and I was surprised that he should ask me a question like that.

He said that this whole thing of "my wife's being discharged and the girls being blamed for it, for going down to the gin," was very embarrassing to the family.

I told him that the fact of the girls' going down to the gin at that time was a very unfortunate incident, because the whole community was in a jitter, that the 1934 labor trouble was still fresh in their minds, and that just as long as that car, that picket car, was down there, it would remain so.

He asked me then—he said, "Why did you fire Mrs. Dunn?"

(Testimony of C. H. Glenn.)

And I told him that I fired Mrs. Dunn because of her physical condition, that she had to drink liquor to sustain herself in order to keep going, which was very offensive to the other girls, and that it had got to a place where I had to decide between Mrs. Woodruff and Mrs. Dunn, and I let Mrs. Dunn go for that reason.

He then said to me—he said, “Isn’t it very queer—” he said, “I think it is very queer that the girls going—” [2851] “very queer—” I think he said it was very queer that we should carry—that the girls should be blamed for carrying messages down to the gin, if anyone wanted to get information to the pickets.

I told him I didn’t know a thing about the girls going down there at all, that I hadn’t received a—no—yes, that I hadn’t received any information about any—he spoke about a petition—to go back.

To go back a little. When he talked to me first, he said that the fact that a petition had been circulated asking that Mrs. Dunn be discharged because the pickets—because the girls had gone down to those pickets, was very embarrassing to them; and I told him that the pickets—the girls going down there had nothing to do with it at all, with the discharge of Mrs. Dunn, that it couldn’t enter into our—in any way with the office, because we were a public service corporation and that we couldn’t take cognizance of anything of that kind. [2852]

(Testimony of C. H. Glenn.)

Q. Mr. Glenn, will you please tell us whether or not on that occasion, that is, at that time and place, you stated in substance or effect to Mr. Dunn——

Mr. McTernan (Interrupting): Can we have the page, please?

Mr. Clark: 2093 at line 18 of the transcript, which is the transcript for June 7, volume XV.

Have you found it?

Mr. McTernan: Yes.

Mr. Clark: May I have the question read down that far, Mr. Examiner?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark) That is, at this time and place you stated in substance or effect to Mr. Dunn at the outset of the conversation:

“You know there has been trouble, labor trouble, at the Boswell gin.”

Mr. Mouritsen: May we read that first part? I think that ties in with the witness' testimony, what Mr. Dunn said to Mr. Glenn right at the beginning of that conversation.

Mr. Clark: I am not asking that now.

May I have it read back, Mr. Examiner?

Trial Examiner Lindsay: Yes. [2853]

Mr. Clark: I will reframe the question.

Q. Mr. Glenn, will you please tell us whether or not on this occasion, that is, during your conversa-

(Testimony of C. H. Glenn.)

tion on the evening of March 1st of this year at your office in the Corcoran Bank Building to which you have just testified, you stated in substance or effect to Mr. Dunn at the outset of that conversation: "You know there has been trouble, labor trouble, at the Boswell gin"?

A. Yes, I told him—I told him that there had—that in talking of the 19—telling him of the 1934 trouble when I finished that he told me he thought that trouble had all been taken care of; and I told him that that labor trouble had not been taken care of.

Q. Have you anything further to add?

Mr. Mouritsen: Now, let the witness continue.

The Witness: Just a moment.

I told him that the labor trouble had not been taken care of, that it would—that the community was all ajitter because the car down there, the picket car, was still there.

Q. (By Mr. Clark) Well, the thing I asked you, Mr. Glenn, was whether or not you commenced your conversation on that occasion with Mr. Dunn by saying in substance or effect: "You know there has been trouble, labor trouble, at the Boswell gin"?

Will you please answer that. [2854]

Mr. Mouritsen: I object to it on the ground it has been asked and answered. The witness has been testifying just now about the first thing he said.

Mr. Clark: I think I am entitled to an explanation of that in view of the ambiguity there.

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay: He answered yes, and went on with a resume of what happened.

Mr. Clark: Do I understand the objection is being sustained?

Trial Examiner Lindsay: Do you want to change that answer at all, Mr. Glenn?

The Witness: May I go back to the first of that conversation, Mr. Referee?

Mr. Clark: May I have—may I just have the question re-read to him? That is all.

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark) Just answer the question I asked you one way or the other, yes or no.

Trial Examiner Lindsay: He has answered it, Mr. Clark.

Read the answer.

(The answer referred to was read by the reporter, as set forth above.)

Mr. Mouritsen: On that basis I submit, Mr. Examiner, [2855] it has already been asked and answered.

Mr. Clark: I would like to ask if the witness has any further explanation of that, if I may.

Trial Examiner Lindsay: All right.

The Witness: I don't get that.

Q. (By Mr. Clark) Do you understand what the word "outset" means?

(Testimony of C. H. Glenn.)

A. Yes, sir. Yes, sir.

Q. I will ask you whether or not the first thing you said to Mr. Dunn on that occasion was in substance or effect this: "You know there has been trouble, labor trouble, at the Boswill gin"?

Was that your opening remark to him?

A. I don't remember, sir.

Q. All right.

Now, I will further ask you, Mr. Glenn, whether at that time and place you stated in substance or effect to Mr. Dunn the following:

Mr. McTernan: May we have the page?

Mr. Clark: Page 2095.

Mr. Mouritsen: Line?

Mr. Clark: Line 12, referring to the discussion about the labor trouble at the Boswell plant.

The Witness: Yes, sir.

Q. (By Mr. Clark) "Wait a minute. This all ties in to- [2856] gether."

A. No, there was no such remark as that.

Q. I will further ask you whether at that time and place, Mr. Glenn, Mr. Dunn stated in substance to you: "Well, Mr. Glenn, you know and I know that they cannot hurt your telephone business. As far as your farm interests are concerned, I don't know anything about how you are tied up."?

A. I think Mr. Dunn did say that.

Q. I will further ask you, Mr. Glenn, whether at that time and place, namely, during your conversation on the evening of March 1st at your office

(Testimony of C. H. Glenn.)

with Mr. Dunn, you made any reference at all to 8 or 9 men having requested you to discharge Mrs. Dunn? A. Yes, I did.

Q. Will you please state what was said concerning that, if anything?

A. I told Mr. Dunn when he asked me why I had discharged Mrs. Dunn—I told him because of complaints that were coming, so many; and he asked me what those complaints were.

I had in mind one that had happened in the office, and I told him that a friend of mine had come to me not very long ago there in the office and that he had told me—he had told me that he had something that he wanted to say to me; he didn't want to hurt my feelings, but he thought I should know. And he told me that a night or so before—— [2857]

Mr. Mouritsen (Interrupting): May we have the name of this man?

Mr. Clark: When we get to it. If I interrupted—I will withdraw that. Let's have all he said. Then I will ask him that.

The Witness: He told me that a night or so ago he was at a party where eight or nine of the fellows had began to talk about the telephone exchange and the rotten service that they were getting when Mrs. Dunn was on the board, and that if it hadn't have been for their friendship for me that they would have gotten out a petition to the Railroad Commission asking that I discharge her.

Q. (By Mr. Clark) Now, anything else?

(Testimony of C. H. Glenn.)

A. He asked me who it was that made that remark, and I refused to tell him.

Q. Now, who was it, please?

A. It was Blake Crary, cashier of the First National Bank.

Q. Here in Corcoran? A. Yes, sir.

Q. And how long prior to March 1st of this year was it that Mr. Crary had told you about this discussion concerning your business?

A. I think it was about January 1st.

Q. I see.

What was the next thing, Mr. Glenn, if anything, that [2858] happened so far as Mrs. Dunn's employment with the Corcoran Telephone Exchange was concerned?

A. Well, just as Mr. Dunn got ready to leave the office he said to me: "There is one thing about me," he said, "I am not tied down to anyone, and can do as I please."

Q. Did you make any reply to that?

A. No, I didn't at the time.

Q. All right.

What, if anything, next occurred so far as Mrs. Dunn's employment was concerned?

A. I got to thinking over the night—that evening——

Q. (Interrupting): Just a minute, please. I don't care what you were thinking. I want to know what the next act was, if any, which occurred—which happened so far as Mrs. Dunn's employment

(Testimony of C. H. Glenn.)

was concerned.

A. The next morning I called up Mrs. Dunn's residence. [2859]

All right.

Who did you talk to?

A. I talked with Mrs. Dunn.

Q. About what time was it, do you remember?

A. It was pretty early, about 8:30 probably.

Q. What, if anything, did you say to her, and what did she say?

A. I asked Mrs. Dunn if Mr. Dunn was home. She said that he was not home, and I told her that when he did come home to tell him that I would like to talk with him.

She said that she could get him back right away if I wanted him, and I told her that it wasn't necessary.

She asked me if I—if *he* could sit in on the conversation, and I told her no, but that Mr. Dunn could tell her anything that might be said.

About 11:00 o'clock——

Mr. Clark (Interrupting): Now, I want this conversation, please, Mr. Glenn, all you remember of it.

Trial Examiner Lindsay: Have you told us all of it?

The Witness: That is all of that conversation.

Trial Examiner Lindsay: All right. Proceed.

Mr. Mouritsen: I move to strike that upon the ground that it is not responsive to the question; that it is incompetent, irrelevant and immaterial, and has no bearing upon this case. [2860]

(Testimony of C. H. Glenn.)

Mr. Clark: I will submit it.

Mr. Mouritsen: No connection shown between Mrs. Dunn's employment and that conversation.

Mr. Clark: We have Mr. Dunn there the evening before inquiring about it, so I guess it has some connection, your Honor.

Trial Examiner Lindsay: It may remain.

Mr. Clark: All right.

Q. During that conversation, did Mrs. Dunn say anything to you about her working at the Exchange further? A. Yes, she asked——

Q. (Interrupting): Please tell us what that was?

A. She asked me if I was going to let her come back, and I told her no.

Q. Is that all that was said on that subject?

A. At that time, yes.

Q. All right.

Now, up to that time, Mr. Glenn, had you ever seen any petition circulated by anyone here in Corcoran requesting Mrs. Dunn's discharge from the Corcoran Telephone Exchange for any reason?

A. No, sir.

Q. Have you ever seen such a petition?

A. No, sir.

Q. Was such a petition ever presented to you by anyone whom- [2861] soever? A. No, sir.

Q. Had there been, prior to March 2nd of this year, any pressure of any kind exerted upon you by anyone whomsoever to discharge Mrs. Dunn?

(Testimony of C. H. Glenn.)

Mr. Mouritsen: Objected to as calling for a conclusion of the witness.

Mr. Clark: The word was used, and I think somebody attempted to define it, Mr. Examiner.

Trial Examiner Lindsay: May I have the question, please?

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: Mrs. Dunn used the term.

Trial Examiner Lindsay: He may answer.

The Witness: No, sir.

Mr. Clark: All right.

Q. Now, what happened after the telephone conversation between you and Mrs. Dunn on this morning of March 2nd, if anything?

A. Along about 11:00 o'clock—I think it was—perhaps about the middle of the forenoon, Mr. Dunn showed up at the office.

Q. And did you have a conversation with him at that time? A. Yes, sir.

Q. Was anyone else present? [2862]

A. No, because Mr. Dunn—I picked Mr. Dunn up in my car in front of the office there.

Q. I see.

Well, when he got there did he come into your office?

A. No. We got in the car and rode around.

Q. All right.

Now, what, if anything, did you say to Mr. Dunn,

(Testimony of C. H. Glenn.)

and what did he say to you on that occasion respecting the fact that his wife had been discharged by you?

A. I told Mr. Dunn that there was one thing I wanted to correct, that when he had left the office the night before he had made the remark that he wasn't tied down to anybody and could do what he pleased; that I felt, after thinking it over, that he had meant that I was tied down to Boswell interests. I told him that I wanted to assure him that Boswell had nothing whatever to do with the discharge of Mrs. Dunn, and that my financing never in any way—the financing of my crops through Boswell—had never had anything to do with the telephone stock which remained in the bank ever since I had bought it.

I also asked him—I said—“There is one thing about this whole business that I cannot understand, and that is this: How a man with a position such as you hold, with one son working at the gin, at the Anderson-Clayton gin, with a daughter working in a store and with the other boy giving music lessons, with a beauty shop which Mrs. Dunn had assured me had all the [2863] clientele they could take care of, and a nice home to go to, why it was necessary that Mrs. Dunn, in her present physical condition, they were so insistent on having her go back to work at the office.”

He told me that he wasn't interested so much in Mrs. Dunn going back to work at the office as he

(Testimony of C. H. Glenn.)

was of clearing the girls', any reflection that might be cast upon the girls for going down to the Boswell gin.

I told him that the Boswell—the girls going down there had nothing whatever to do with the discharge of Mrs. Dunn.

Q. Was that substantially all that was said between you and Mr. Dunn on that occasion?

A. I think it was, except that when he left, he told me, he said, "Well, Mr. Glenn, there is one thing," he said, "what that telephone needs down there is a manager," and I agreed with him.

Then he said he was going to ask for an open hearing in this whole case.

Mr. Clark: You may cross examine.

Cross Examination

Q. (By Mr. Mouritsen): Now, Mr. Glenn, I believe you stated that on one occasion on your cross examination, during your first conversation with Mr. Dunn on March—on or about March 1st—that the first thing that you said to him——

Trial Examiner Lindsay (Interrupting): On direct exami- [2864] nation.

Mr. Mouritsen: On direct examination—the first thing you said to him was, in substance, "You know there has been trouble, labor trouble at the Boswell Gin."

Do you recall testifying to that effect on one occasion? A. Yes, sir.

Q. And I believe you stated that you said to

(Testimony of C. H. Glenn.)

him that the whole community was in a jitter about the situation, is that correct? A. Yes, sir.

Q. And, as a matter of fact, the whole community was in a jitter at that time about the matter, wasn't it? A. About the labor matter.

Q. And, as a matter of fact, a number of men had come to you about that labor trouble, had they not? A. No, sir.

Q. How did you know, then, that the community was in a jitter about this labor trouble?

A. Because I live here, and I am right a part of it. [2865]

Q. You had talked with other men about that labor trouble? A. Yes, sir; yes.

Q. And am I correct in stating that that was the first thing you mentioned to Mr. Dunn when he came to see you about his wife being discharged?

A. No, sir.

Q. You don't recall testifying upon your examination by Mr. Clark that that was the thing that you said at the outset of your conversation?

A. Which one? The first or the second one?

Q. The conversation on March 1st.

A. March 1st—no—Mr. Dunn came to the office. He asked me what I was doing with his family and what was the matter with them. I told him it was his family, not mine, he would have to answer that question, that I couldn't.

Mr. Clark: Mr. Mouritsen is doing much better than I could.

(Testimony of C. H. Glenn.)

The Witness: He is bringing to mind stuff.

Trial Examiner Lindsay: Now, just a moment.

Mr. Clark: I ask that that remark go out, Mr. Examiner.

Mr. Mouritsen: I am quite content to have it stay in. It shows the attitude of the witness.

Mr. Clark: Let it stay in. I don't care.

Trial Examiner Lindsay: All right. Now listen, gentlemen. Under all rules of practice the witness is sub- [2866] ject to cross examination.

Now, Mr. Glenn, when you are asked a question you may answer the question and just forget about any remarks.

The Witness: Yes.

Trial Examiner Lindsay: You are under the jurisdiction of this court.

Q. (By Mr. Mouritsen): Now, is there anything further that you can recall in that March 1st conversation that was said regarding any labor trouble at the Boswell gin, Mr. Glenn?

A. I told Mr. Dunn that the 1934—he asked me—he told me that he thought that the labor trouble had been settled and I told him that it hadn't been settled by any means, and would not be settled because—it had not been settled because the paralysis caused by the labor trouble of 1934 was still fresh in the minds of this community and that as long as that labor car, that picket car remained down there, that the people would still be jittery about this labor trouble.

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay: Well, is that the first thing that you said to him after he started this conversation?

The Witness: No, I don't think it was.

Q. (By Mr. Mouritsen): Well now, in other words, Mr. Glenn, the first thing that Mr. Dunn said to you when he came to see you on March 1st was, "What have you against my family," isn't [2867] that correct? Or in substance to that effect?

A. He asked me what was the matter with his family and I told him that it was his family and that he would have to answer that question himself.

Q. And then was it that you started to talk about the labor trouble at the labor gin, told him the community was in a jitter?

A. No. The thing that he said to me then, he said, "Well, this whole thing is very embarrassing to my family, the idea of my wife being discharged and the girls being accused of carrying messages to the gin, to the fellows at the gin."

I told him that it was a very unfortunate thing that the girls had gone to the gin just at this time because of the keen feeling of the labor—of 1934.

Q. And then what did you say?

A. The next question—I went on to explain that the 1934 trouble was still fresh in the minds of everyone here and that the whole community was in a jitter. I also told him this, that ordi-

(Testimony of C. H. Glenn.)

narily the girls going down there would never probably have been noticed and that it was a very unfortunate incident that they went just at this time.

Q. Anything further that you recall saying about the labor trouble?

A. Yes. He then asked me why I had discharged his wife—not about the labor trouble. [2868]

Q. And what was the first thing—no, strike that.

As a matter of fact, when you were discussing the labor trouble, didn't Mr. Dunn say to you, Mr. Glenn, "I am not interested in all that. I came down here to ask you why you have discharged my wife?"

A. Yes, sir.

Q. He made that statement?

A. Yes, sir.

Q. You recall that distinctly? A. Yes, sir.

Q. And then after he made that statement, "Mr. Glenn, I am not interested in all that. I came down here to ask you why you have discharged my wife," didn't you say, "Now, wait a minute, this all ties in together"?

A. No, sir; no, sir.

Mr. Clark: May I have the page of the transcript?

Mr. Mouritsen: 2095.

Q. And then, referring to your conversation on the next day, the one in the car that you had

(Testimony of C. H. Glenn.)

with Mr. Dunn, wasn't it in the conversation in the car on March 2nd that something was said regarding the nine men who came to see you about having his wife discharged?

Mr. Clark: Now, just one moment, Mr. Examiner, I submit that is a misstatement of the gentleman's testimony.

Trial Examiner Lindsay: Well, he is not referring to [2869] this gentleman's testimony, as I understand it. He is referring to the testimony of Mr. Dunn.

Mr. Clark: Well, that is quite all right. I think he asked Mr. Glenn whether it wasn't in the car that the statement concerning the nine men was made and Mr. Glenn has given you the facts on that.

Trial Examiner Lindsay: He has given me his side of the facts.

Mr. Clark: I don't want that put in his mouth is all.

Trial Examiner Lindsay: Well, you may reframe your question. He didn't quite understand you.

Q. (By Mr. Mouritsen): Wasn't it in the conversation on March 2nd in the car that something was said about the nine men coming to see about Mrs. Dunn's discharge? A. No, sir.

Mr. Clark: Same objection.

Trial Examiner Lindsay: He may answer—he has answered. It may stand.

(Testimony of C. H. Glenn.)

Mr. Clark: May I point out, Mr. Examiner, that the answer "No" to that indicates that there was such a statement made on some other occasion. Mr. Mouritsen asks this man whether it was in the car that a statement concerning nine men coming to see him about Mrs. Dunn's discharge was made, and he says, "No," which indicates that it might have been made some other occasion. That is the viciousness of the [2870] question.

Trial Examiner Lindsay: You may clear it up, Mr. Mouritsen.

Q. (By Mr. Mouritsen): Well, I will ask you if at any other time anything was said about nine men coming to see you about having Mrs. Dunn discharged. A. No, sir.

Trial Examiner Lindsay: Does that satisfy you, Mr. Clark?

Mr. Clark: Yes, sir.

Mr. Mouritsen: Mr. Examiner, it is now 15 minutes after 12:00.

Trial Examiner Lindsay: We will adjourn until 2:00 o'clock.

(Thereupon, at 12:05 o'clock p. m., a recess was taken until 2:00 o'clock p. m., of the same date.) [2871]

After Recess

(Whereupon, at 2:00 o'clock p. m., the hearing in the above-entitled matter was resumed, pursuant to the recess.)

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: The respondents are ready.

Mr. Mouritsen: Ready for the Board.

Mr. Clark: Mr. Glenn, please.

C. H. GLENN

the witness on the stand at the time of the recess, having been previously duly sworn, resumed the stand and further testified as follows:

Cross Examination

(Continued)

Q. (By Mr. Mouritsen): Now, Mr. Glenn, I believe you testified regarding this conversation with Mr. Dunn on March 1st, that the whole community was in a jitter at that time, is that correct? A. Yes, sir.

Q. And you recall giving that testimony this morning, is that correct? A. Yes, sir.

Q. Now, I will ask you, Mr. Glenn, what was the basis for the statement that you made to Mr. Glenn at that time—to Mr. Dunn?

A. I was explaining to Mr. Dunn—he told me he thought the trouble was over and I was explaining to Mr. Dunn, during [2872] that conversation, that the trouble was not over by any means and that it would not be over as long as that picket car was down there at the gin.

Q. But with reference to your statement to the effect that the whole community was in a jitter,

(Testimony of C. H. Glenn.)

what basis did you have for making that statement? A. From my own observations.

Q. Now, will you tell us what your observation had been that led you to make the statement to Mr. Dunn that the whole community was in a jitter at that time?

A. Well, it was from conversations that I had heard. Just as I explained, the 1934 trouble that we had here was too fresh in the minds of everybody. The whole town at that time was just paralyzed here for 30 days during that strike and as long as this strike down here threatened, why it was just—everyone had it right on their minds. This is an agricultural town—community.

Q. Well, that was in 1934 and that was also a labor difficulty, wasn't it? A. Yes.

Q. Now, I believe you stated that the basis for your statement to Mr. Dunn that the whole community was in a jitter was conversations that you had heard, is that correct? A. Yes, sir.

Q. And can you tell us the names of a few people with whom [2873] you had such conversations, or the names of people who engaged in conversations that you heard?

A. Most any of them.

Q. Can you name a few of those that come to your mind, first?

A. Yes. I will name J. W. Guiberson of the bank.

Q. And who else, please?

(Testimony of C. H. Glenn.)

A. I will name R. P. Williams, of the grocery store. I will name Fred Carroll of the Light and Power Company over here.

Q. And did you ever have or ever hear any conversations with Mr. Boyett about that subject?

A. No, I have never talked with Mr. Boyett.

Q. And give us the names of a few more that you recall with whom you talked.

A. Well, I talked with Mr. Maroot of the grocery store; talked with Dick Hart.

Q. And who is Dick Hart?

A. Dick Hart is my partner here in my office.

Q. Continue.

A. (Pause.) I don't just remember now, but we were all talking. It was just a common talk. We are a small community here and with a thing like this——

Mr. Mouritsen (Interrupting): Now——

Mr. Clark (Interrupting): Just a minute, please. Let [2874] him finish.

Q. (By Mr. Mouritsen): Have you completed, Mr. Glenn?

A. Well, go ahead, Mr. Mouritsen. Pardon me.
[2875]

Q. Now, can you give us the names of any more with whom you can recall having talked about this matter?

A. Well, I don't believe I do just at the present time.

Earle Lewis of the Farmers Lumber Company.

(Testimony of C. H. Glenn.)

I don't believe I remember any more just now.

Q. Now, I believe you stated that you consider this as an agricultural community.

Did you talk with any farmers about that subject—and when I refer to “that subject,” I am referring to the statement that you made to Mr. Dunn that the whole community was in a jitter at that time? A. Yes, sir.

Well, I don't remember that I did, Mr. Mouritsen. I wouldn't say I didn't.

Q. But is it correct that you testified earlier that you talked with practically every one in the community about the matter at that time?

A. No, I was talking in general when I was talking that time, just in generalities, Mr. Mouritsen. Maybe I covered a lot of territory, but believe me, it was pretty strong feeling among those I did talk to.

Q. Can you recall the names of any others with whom you talked?

A. George Cutter of the Cutter Milling Company, Lyle Weir of the Corcoran Milling Company. It was just the topic of [2876] conversation around.

Q. But you don't recall having discussed that with a single farmer, is that correct?

A. I would not say that, Mr. Mouritsen, at all, no. I wouldn't say that I hadn't.

Q. Who are some of the farmers with whom you discussed it? As I recall it, you have given us the names of a number of business men, or their connection with some other.

(Testimony of C. H. Glenn.)

A. Yes, they are in the community here.

Trial Examiner Lindsay: There is one objection there I believe that hasn't been ruled on.

Mr. Clark: I will withdraw the objection. I only got it half out anyway.

The Witness: I discussed it with Louie Robinson.

Trial Examiner Lindsay: Is that Louis T. Robinson?

The Witness: Yes, sir.

Well, I don't remember discussing it with the farmers much. I don't remember of having discussed it with any farmers.

Q. (By Mr. Mouritsen): Now, when did you become president of the Corcoran Telephone Exchange, Mr. Glenn? A. 1924.

Q. And——

A. (Interrupting): 1926, pardon me. 1926.

Q. When did you become the majority stockholder?

A. At that time. I think it was in September, September about [2877] the 12th, I think, that the—when I purchased the stock of the Exchange.

Q. And between that time and the fore part of this year, had you purchased any equipment for the Exchange in the amount of, say, as much as \$500.00?

Mr. Clark: I object to that on the ground—well, I will withdraw that.

The Witness: That is, up to the first of this year, did you say, Mr. Mouritsen?

(Testimony of C. H. Glenn.)

Q. (By Mr. Mouritsen): Yes. A. Yes.

Q. Can you recall when you made any such purchase prior to that time in the amount of \$500.00?

A. No, I couldn't. I doubt very much whether I had up to that time.

Q. Yes.

Now, when did the—strike that.

Was the switchboard now in operation installed in the Exchange at the time when you took it over?

A. Yes, sir.

Q. And do you know how long prior to the time that you had taken it over that switchboard was in operation?

A. Well, I couldn't, Mr. Mouritsen. That belonged to Mr. Cromley who died; and while I was pretty closely associated with him, I wasn't very interested in the thing, enough to know that. [2878]

Q. So that to your knowledge anyway the switchboard now in use is over 13 years old, isn't that correct? A. Yes, that is correct.

Q. Now, haven't you, Mr. Glenn, on a number of occasions received complaints regarding the operation of that switchboard or the phone service that you render? A. I don't get that.

Q. I say, haven't you in the past and over a period of years received complaints regarding the use of this old switchboard?

A. Oh, yes, that is true.

Q. And as a matter of fact isn't it more or less

(Testimony of C. H. Glenn.)

a standing joke between you and your friends regarding the service at the Exchange?

A. No, sir; it is not by any means.

Q. And as a matter of fact haven't you attempted to repair the switchboard so that the wires don't become crossed in the switchboard?

A. No, sir. Let me—may I explain something there?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Mouritsen): Surely.

A. Those boards—the only thing that is old about those boards is the cabinet. The wiring is replaced just like a part of an automobile that is worn, so that all of the wiring that is inside of that and most of the jacks have been re- [2879] placed. You are replacing them all of the time. Every time a part—anything gets the matter with them they are replaced—that part is replaced.

There are just two places that move on one of those things, and that is the two switches, and that is all; but when anything goes wrong you just take the plug or the switch out and put in a new one and you are right square up.

If I went out to buy a switchboard today I would buy exactly what I have in the office for this type of a phone.

Now, this is a magneto.

Q. Well, as a matter of fact, Mr. Glenn, if you attempted to install a different type of switchboard at this time, it would be necessary to install all different types of phones, wouldn't it?

(Testimony of C. H. Glenn.)

A. Yes, it would, Mr. Mouritsen. A magneto telephone system will take—will carry—up to about 400 subscribers, when it pays to go into a manual. Now a manual is where you just lift the thing up and it automatically—the connection is automatically made. You don't ring.

You see, we have a ringer box with ours. Now we have—that is because of the economy in running. A common battery—when you go into the manual system it is carried by a common battery where you have a battery room that is a very expensive proposition to run. You have got to have 400 subscribers at least, approximately 400 subscribers, to pay to run and to go [2880] into the manual form. Ours is a magneto. It is just as good an exchange as you can possibly get any place if you go to a place new, but it is one of the ringer kind and it is made that way because we haven't subscribers enough to carry—you can't afford to carry it.

Q. Do you know of any other place where a system of this type is in operation?

A. Oh sure, they are all over the country.

Q. Well, do you know of any other? Can you name a specific place?

A. Yes. I can name one over at Stratford, about 20 miles to the northeast of us. Until you get them up, Mr. Mouritsen, unless there is about 400 subscribers, they simply do not put in a manual system.

(Testimony of C. H. Glenn.)

Q. Well, I will ask you if on this magneto type of switchboard it is possible for an operator to know that a long-distance call has been completed without opening the circuit and listen if the people are talking?

A. No, it is not, Mr. Mouritsen. They have to call in, see. They have to open a switch and say, "Are you busy?"

On a manual, you see, there is a light that indicates when that line current has been shut off, but on a magneto set there is no way of knowing. When you ring in there is a little sort of a disc drops down to indicate, see, that it is ringing, and a sort of a buzzing, but on the manual a light [2881] comes before you, but on this you do have to keep servicing the lines.

Q. And that is the case on any long-distance call that it is necessary for the operator to open the circuit to see if they are still talking?

A. That is true.

Q. How about on local calls?

A. It is just the same.

Q. Well, on any conversation that goes through the board it is necessary for the operator to listen in to ascertain whether the conversation has been completed?

A. No, it isn't. You see, they simply throw a switch and say, "Are you busy?" That is all. They are not supposed to listen in at all. If a person is talking, why they will say, "Line busy," or "Yes, I am busy."

(Testimony of C. H. Glenn.)

Q. Well, they have to listen in to see whether the person says the line is busy or not?

A. No. Well yes. You do not have to listen to all the conversation going on. What I am telling is this: In servicing a board, Mr. Mouritsen, the operator is busy, see. They just throw a switch and say, "Are you busy," and shut the key off. If they say "Yes," they cut it off and if there is no reply they will pull the plug and that releases the line. [2882]

Q. And if the person who is making the conversation does not immediately say "Line busy," then it is necessary for them to hear if any conversation is taking place in order to determine whether the conversation has been terminated or not, is that correct?

A. Well, you can hear the sound, you know, just as quick as you open the key. You can hear the sound.

Trial Examiner Lindsay: Hear what sound?

The Witness: Any one talking; anything that is going on.

Trial Examiner Lindsay: By "sound," you mean voice?

The Witness: Voice, yes.

Q. (By Mr. Mouritsen) I will ask you, Mr. Glenn, if in the past you have received complaints regarding the fact that wires have become crossed, and conversation switched to different people for whom they were not intended?

(Testimony of C. H. Glenn.)

A. Well, I will tell you, we found that, and here is what happened: In the cables, those cables are held up by rings. First, there is a messenger and then your cable that is held up by rings. Now, these rings sometimes will wear the outer casing of the cable, which is lead, and when it does do that, if it wears through to where there is a contact with those wires that are inside—because the cable is just a mass of telephone wires, you understand—if the action of the wind will wear on the bottom part of that cable, on the casing, the [2883] outside casing, if that wears through there so that two of those wires come in contact with that ring, why, it will immediately cause a cross talk, and those are things that are the hardest things in the world to catch.

Trial Examiner Lindsay: Just a moment. Has it actually happened?

The Witness: Oh, yes. It happens right along. It happens—you have to change those rings right along.

Trial Examiner Lindsay: How long might that condition exist before you get it corrected?

The Witness: It depends entirely upon finding it.

Trial Examiner Lindsay: What is your experience on that?

The Witness: Well, we have had an experience where we have looked for it for some time.

Trial Examiner Lindsay: What do you mean by “some time?”

(Testimony of C. H. Glenn.)

The Witness: Oh, maybe a month at the longest. That is about the longest, because if you don't find it, then we cut the cable out.

Trial Examiner Lindsay: Then, during that whole month you would have that condition existing?

The Witness: You might have it to a more or less degree. Sometimes it is louder. It depends a great deal upon the action of the wind. If the wind is blowing, it is inclined to hold it in a position where that contact would be so, and when it lets it loose, why, it goes back. That is the difficulty in [2884] finding those things, because it goes on and it will go off.

Trial Examiner Lindsay: I am sorry to have interrupted you.

Q. (By Mr. Mouritsen) Well, now, has that condition that you described about the cables wearing occurred in the past year or two?

A. Yes, it has. We had a very bad one here a while ago.

Q. But you got that fixed up now, is that correct? A. Yes, sir.

Q. About when did you fix that last one?

A. We got it fixed up along—well, we found it about the first of the year.

Q. The first of January, 1939?

A. Yes.

Q. Now, did Mr. Crary ever complain to you about a defect of that kind?

(Testimony of C. H. Glenn.)

A. No, he didn't.

Q. Now, I will ask you, Mr. Glenn, if prior to the flood of 1938 you ever devoted much of your time to the running of the Telephone Exchange?

A. Well, I am a farmer. I am busy farming, because farming, of course, is my vocation.

Q. As a matter of fact——

Mr. Clark (Interrupting): Just a minute.

The Witness: Can I just explain one thing there? [2885]

Mr. Mouritsen: Surely.

The Witness: If I am not wrong in this, please? I would like to explain something in the running of the office, and that is this: I have always had a bookkeeper, a man that keeps the books, and Mrs. Dunn has been the operator, the head operator at the office. Mr. Woodruff has been the man on the outside. Each one of them had their place in the organization, and I just generally supervised the whole thing.

Trial Examiner Lindsay: Now, there is one question that hasn't been directly answered.

Prior to the flood, I believe the question was, in 1938, did you devote much of your time to the telephone service?

The Witness: Yes, I devoted some time to superintend it, to manage it. [2886-87]

Q. (By Mr. Mouritsen) Well, as a matter of fact, prior to that time, that is, the flood of 1938, didn't you pretty well leave the running of the exchange to Mrs. Dunn as head operator?

(Testimony of C. H. Glenn.)

A. The operators, but the business part to Mr. Holmblad who was keeping the books.

Q. Was Mr. Holmblad the bookkeeper to whom you refer? A. Yes, sir.

Q. What is his first name?

A. Emil, E-m-i-l.

Q. And the actual running of the exchange itself and the supervision of the other operators was left almost entirely to Mrs. Dunn, is that correct?

A. That is true.

Q. And how long had she done that—since you took over the exchange in, I believe you stated, 1926? A. That is correct.

Q. Does Mr. Holmblad still do your bookkeeping work? A. No, sir.

Q. When did he cease to do it?

A. Just about January 1st.

Q. Of 1939? A. Yes, sir.

Q. And you have somebody else doing that work?

A. Mr. Soderberg. [2888]

Mr. Mouritsen: That is all, Mr. Examiner, except I should like to call to the Examiner's mind the demeanor of Mr. Dunn on the stand who also testified regarding matters covered as well by Mr. Glenn.

Mr. Clark: Well I submit, Mr. Examiner, that that statement is improper in this record. It is meaningless. I suggest that if the Examiner's attention is going to be drawn to the demeanor of anyone that it be done off the record unless Mr. Mouritsen is going to tell us how Mr. Dunn acted on the stand.

(Testimony of C. H. Glenn.)

Trial Examiner Lindsay: In all practices, the court is fully aware of its rights in these matters.

Do you have any questions?

Mr. Clark: I move to strike out counsel's statement, Mr. Examiner.

Trial Examiner Lindsay: It may remain.

Mr. Clark: Nothing further from us. That is all, Mr. Glenn.

Trial Examiner Lindsay: Just a moment, Mr. Glenn.

Q. Have you ever had any complaints against any of your other operators? A. Yes, sir.

Q. And how long has that matter been in existence—I mean, the complaints about other operators?

A. We always have some complaints. [2889]

Q. In fact, in your business isn't it a fact that you have complaints against all operators during the whole course of your operation of your business?

A. We haven't had a complaint since the first of the year.

Q. Generally speaking, do you have complaints against all operators? A. Yes, sir.

Q. Have you ever had a year since you have been in business that you haven't had a complaint against your operators?

A. No, sir; no, sir.

Q. And have you ever had a year that you haven't had complaints against the service, generally speaking? A. Yes, I have.

Q. What?

(Testimony of C. H. Glenn.)

A. Yes, we have had complaints.

Q. How often did you have those complaints?

A. Well, it would be pretty hard to tell. We don't have many complaints about the service when we keep the lines up.

Q. How many times would you say in the last five years you have had complaints about your service, generally speaking?

Mr. Clark: The last how long?

Trial Examiner Lindsay: Five years.

Mr. Clark: Five years.

The Witness: That would be hard to answer, Mr. Referee. [2890]

Q. (By Trial Examiner Lindsay) In the last year?

A. Well, we haven't had so many in the last year.

Q. About how many would you say?

A. Maybe a dozen.

Q. Do you know if you had that many the year preceding last year?

Mr. Clark: May I have the Examiner indicate what is meant by "last year"? A year from now, or the year 1938?

Trial Examiner Lindsay: The year 1938.

The Witness: I would judge so. I don't think there has been much difference.

Q. (By Trial Examiner Lindsay) And in 1938 about how many complaints do you think you had against other operators?

(Testimony of C. H. Glenn.)

A. Well, I don't know. It would be a guess, Mr. Referee. I couldn't tell you.

Q. You have no recollection?

A. It is just pretty hard to tell.

Q. Now, did I understand you to testify that you called—at the time you talked with Mrs. Dunn I believe on the telephone on March 2nd—was that the day you had the telephone conversation?

A. I had both, on the first and on the second.

Q. Now, which one of those days did you tell Mrs. Dunn that you wouldn't let her know at that time whether or not she would return to work? [2891]

A. That was the 1st, March 1st.

Q. March 1st? A. Yes, sir. [2892]

Q. Now, did you tell her that on March 2nd?

A. No, on March 2nd I told her so, that I didn't want her to return.

Q. And what made you change your mind between March 1st and March 2nd?

A. Because she had left the office; on March 1st she had gone home and when I telephoned her, I told her I would let her know later, and then on the morning of the 2nd—during the night, I made up my mind that I would let her go.

Q. And you hadn't made up your mind in the middle of February to let her go, had you?

A. No, I hadn't.

Q. And at that time you had received those complaints you were talking about this morning?

(Testimony of C. H. Glenn.)

A. Yes, sir—no. Let's see, Mr. Referee. Just a moment.

Yes, I had them at that time.

Trial Examiner Lindsay: That is all.

Mr. Mouritsen: I have one question.

Q. Who, Mr. Glenn, if anyone, occupies the position of head operator formerly held by Mrs. Dunn?

The Witness: Mrs. Woodruff.

Mr. Mouritsen: That is all.

Mr. Clark: Mr. Glenn, can you tell us whether or not during the fall of 1938, that is, we will say, from the 1st of July to the end of the year, you received more complaints re- [2893] garding the service rendered by Mrs. Dunn than against that rendered by any of your other operators?

The Witness: Yes, we did.

Mr. Clark: That is all.

That is all, Mr. Glenn.

(Witness excused.)

Mr. Clark: Mr. Crary, please.

Mr. Wingrove will handle this witness, Mr. Examiner.

BLAKELY G. CRARY,

a witness called by and on behalf of the Respondent, Corcoran Telephone Exchange, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Wingrove) State your name, please, Mr. Crary?

A. My full name is Blakely G. Crary. The first name is B-l-a-k-e-l-y, and the last name is C-r-a-r-y.

Q. Where do you reside?

A. I reside in Corcoran.

Q. How long have you resided in Corcoran?

A. Since July, 1930.

Q. What is your occupation at the present time?

A. I am cashier of the First National Bank of Corcoran.

Q. How long have you held that position?

A. Since the bank was organized, July 21st, 1934.

Q. What position did you occupy prior to July, 1934? [2894]

A. Well, I was assistant cashier of the old bank, the old First National Bank of Corcoran, and then when it was closed, I was assistant conservator of the old bank.

Q. Do you know Mrs. Dunn?

A. Yes, I do.

Q. How long have you known her?

A. I should imagine ever since I have been in Corcoran, and been with the bank.

Q. Do you have telephone service in the bank?

(Testimony of Blakely G. Crary.)

A. Yes, we do. We have two trunk lines and four telephones in the bank.

Q. And do you have a telephone in your home?

A. Yes.

Q. Do you recognize Mrs. Dunn's voice over the telephone? A. Yes, I do.

Q. Will you kindly state as to whether or not during the two years immediately preceding about March 1st, 1939, you ever complained to Mr. Glenn of the Corcoran Telephone Exchange regarding the service rendered by Mrs. Dunn when she was on the switchboard?

A. Yes, I complained on several occasions.

Q. About how many times, if you can state?

A. I can't state definitely, but I would say—oh, a minimum of three, and a maximum of five times that I have complained to Mr. Glenn. [2895]

Mr. Mouritsen: May I have that answer read?

Trial Examiner Lindsay: Yes. Read the answer.

(The answer referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove) Did you have any conversation with Mr. Glenn regarding Mrs. Dunn in the month of January, 1939? A. Yes, I did.

Q. What time in January, to the best of your recollection?

A. I would say the first part of January.

Q. Where did this conversation take place.

A. I believe it took place in his office.

(Testimony of Blakely G. Crary.)

Q. Who, if anyone, was present, besides yourself and Mr. Glenn?

A. I don't know. There are other people in his office—I do not recall whether there was anyone else present in the office or not.

Q. Will you kindly state the substance of the conversation that you had with Mr. Glenn at that time? A. Yes.

I told Mr. Glenn that I had attended a dinner a short time prior to that—I do not remember whether the night before or a few nights previous—and the subject of the poor service of the Telephone Exchange was discussed; and one member of the party stated that they intended to complain to the Railroad Commission unless the service was improved. [2896]

Q. What reply, if any, did Mr. Glenn make to that statement?

A. I told him that it was passed on in a friendly manner, and he thanked me for passing on the information.

Mr. Wingrove: You may examine.

May I ask one more question, please?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Wingrove) Was Mrs. Dunn's name mentioned in this conversation that you just testified to?

A. Yes, it was. She was the only subject of the complaint.

Q. Did you ever have—did you ever register any

(Testimony of Blakely G. Crary.)

complaints with Mr. Glenn during the two year period immediately prior to March 1st, 1939, regarding any of the other operators besides Mrs. Dunn?

A. No, we never had any trouble with any of the other operators.

Mr. Mouritsen: I move to strike that as not responsive.

Trial Examiner Lindsay: All but "no," must go out.

Q. (By Mr. Wingrove) Did you ever have any trouble with any of the other operators during that period of time? A. No.

Mr. Wingrove: You may examine.

Cross Examination

Q. (By Mr. McTernan) Now, Mr. Crary, you have just testified that you were present at a gathering where a group of men were talking about the—complaining about the service of the [2897] Telephone Exchange and one of these men said that he would complain to the Railroad Commission unless something was done about it.

Could you tell us who that was?

A. I am sorry. I can't. I don't remember who that was.

Q. Can you tell us the names of any of the men in that group?

A. No. I can't definitely. I am not sure exactly who was there.

Q. Can you name any of them at all?

(Testimony of Blakely G. Crary.)

A. Not with any certainty, except possibly my wife.

Q. And when did this gathering occur?

A. I would say—well, sometime around the first of January, 1939.

Mr. McTernan: That is all.

Mr. Wingrove: No further questions.

Trial Examiner Lindsay: I have just one or two questions.

Q. About how many times a day do you use the telephone?

A. Numerous times during the day I have occasion to use it. I couldn't tell you exactly the number of times.

Q. Do you have any estimate as to how many times you talk on the phone?

A. I would say—oh, I don't know. Twenty or thirty times a day, something like that.

Q. And that would be the average each day, would it not, that is, along that order? [2898]

A. That is only a guess. I couldn't be absolutely certain. It would vary from day to day, but I know I use the phone a great deal.

Q. And you never had any complaints to make against anyone except Mrs. Dunn?

A. No, I didn't. I never did complain.

Mr. McTernan: May we ask some more questions, please?

Trial Examiner Lindsay: Yes.

Q. (By Mr. McTernan) Do you know whether

(Testimony of Blakely G. Crary.)

Mrs. Dunn was on the—on duty most of the time during the day, or most of every day?

A. Mrs. Dunn was on duty part of the time when I used the phone. There were other operators that I——

Q. (Interrupting) Wasn't she the day operator?

A. She—I don't know whether she was the day or night operator. I know I recognized her voice when she was on.

Q. Well, then, couldn't you tell me then, whether she wasn't on most of the time during the day?

A. I found her on the daytime, and I believe also in the evening.

Q. Didn't you usually find her on in the daytime?

A. I wasn't—I wouldn't say usually, no.

Mr. McTernan: That is all.

Mr. Wingrove: No further questions.

Trial Examiner Lindsay: That is all. [2899]

Mr. Wingrove: That is all, Mr. Crary. Thank you.

(Witness excused.)

Mr. Wingrove: I call Mr. Woodruff, please.

JAMES WILLIAM WOODRUFF

a witness called by and on behalf of the Respondent, Corcoran Telephone Exchange, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Wingrove) Will you state your full name, please?

A. James William Woodruff.

Q. Where do you reside, Mr. Woodruff?

A. Corcoran.

Q. Where? A. Corcoran.

Q. How long have you resided in Corcoran?

A. Ever since '24.

Q. 1924? A. That is right.

Q. Are you employed by the Corcoran Telephone Exchange? A. I am, yes, sir.

Q. How long have you been employed by the Exchange? A. Ever since July, '27.

Q. What position do you occupy with the Exchange? A. Lineman.

Q. Have you held that position ever since you have been first [2900] employed?

A. Yes, sir.

Q. Do you know Mrs. Dunn?

A. Yes, sir.

Q. How long have you known her?

A. She was there when I went to work—well, I had occasion—in 19—just a moment.

In 1924, I worked for the Corcoran Electric Company and laid down the service work there, and I had occasion to know her then in 1924.

(Testimony of James William Woodruff.)

Q. Now, do your duties require that you go in and out of the office every day?

A. Yes, sir. [2901]

Q. About how many times a day are you in and out of the office?

A. It all depends on what I have to do. If sometimes I leave at 8:00 o'clock in the morning, it would probably be 1:00 before I come back, maybe I would not be in before 5:00 that afternoon.

Q. Are there ever times when you spend the major portion of the day in the office?

A. If we were repairing the switchboard, or something like that, I would be there most of the day.

Mr. Mouritsen: May I have that answer? I didn't hear it at all.

(The answer referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove) Did you observe as to whether or not Mrs. Dunn kept a bottle of wine in the telephone office?

Mr. Mouritsen: Objected to as ambiguous in that "kept" has the connotation of a continuous act, and I object to that on that ground.

Trial Examiner Lindsay: Sustained. You may reframe your question.

Q: (By Mr. Wingrove) During the year and a half period immediately preceding March 1, 1939, did you ever see any wine about the premises in the telephone office?

(Testimony of James William Woodruff.)

A. One morning I was working in the rear of the office and [2902] I came out and there was a bottle sitting on the icebox. Mr. Glenn—it so happened I met him at the door—and he asked me, he says, “Whose is that?”

And I says, “I don’t know. I guess it is Mrs. Dunn’s.”

There was a glass sitting by it. He walked on, and I asked Mrs. Dunn why she left it there, that Mr. Glenn asked me about it, and there was nothing I could do but say what I did.

Q. You say you asked Mrs. Dunn if she left it there? A. Yes.

Q. What did she say?

A. She said she forgot to put it away.

Mr. Wingrove: May I have that last question and answer?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Mouritsen: May I have the record read back before that? I couldn’t hear it.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Wingrove) Can you fix the date of this conversation for us, Mr. Woodruff?

A. No, I can’t.

Q. Approximately?

A. I don’t remember just what day. I wouldn’t know, because [2903] I didn’t pay any attention.

(Testimony of James William Woodruff.)

Q. Can you estimate about how long before March 1st, 1939?

A. I wouldn't say definitely, because I wouldn't say definitely what date it was. It was last year some time.

Q. 1938? A. Yes, sir; 1938.

Q. And who else, if anyone, was present when you spoke to Mrs. Dunn?

A. No one, no one.

Q. Now, you say you saw a bottle there? Do you know what was in that bottle?

A. Well, it was marked "Port Wine." That was on it.

Q. Now, after that did you ever see a bottle of wine back near the icebox?

A. Well, there was empty bottles in the icebox but I couldn't say who that belonged to.

Q. Did you ever see any bottles of wine in the operating room?

A. There was only time, I guess.

Q. When was that?

A. That was since—it was last year. She had been to Hanford to see a doctor and come back and underneath the counter there was part of a bottle. She said the doctor prescribed that for her, she was using it for nourishment; she couldn't eat any food at all, that is the only thing [2904] she had for nourishment.

Q. Now, where did this conversation take place, Mr. Woodruff?

A. That was at the office.

(Testimony of James William Woodruff.)

Q. In the operating room?

A. In the operating room.

Q. And who else, if anyone, was present besides yourself——

A. (Interrupting) Nobody.

Q. (Continuing) —and Mrs. Dunn?

A. Nobody.

Mr. Mouritsen: May I have that definitely cleared up? The witness has been referring to “she” did so and so.

The Witness: Mrs. Dunn.

Q. (By Mr. Wingrove) Did you ever see Mrs. Dunn drink any wine while she was on duty in the operating room? A. No, sir.

Q. Did you ever see any wine in a glass about the operating room?

A. Not that I recall.

Q. Did you ever smell the odor of wine on Mrs. Dunn’s breath?

Mr. Mouritsen: That is objected to as incompetent, irrevelant and immaterial unless it is fixed in some way. It is vague and indefinite.

Mr. Wingrove: I mean while she was on duty in the office. [2905]

Trial Examiner Lindsay: He may answer.

Q. (By Mr. Wingrove) If you understand the question? A. Yes.

Trial Examiner Lindsay: Well now, what do you mean by “yes”? You understand the question.

The Witness: Yes.

(Testimony of James William Woodruff.)

Trial Examiner Lindsay: All right. Answer the question.

The Witness: I did.

Trial Examiner Lindsay: Just a moment.

Mr. Wingrove: May I have it read back, Mr. Examiner?

Trial Examiner Lindsay: Mr. Witness, now just a minute. Probably the record is clear and I am not sure. The question, the last question put to you by Mr. Wingrove was, "Do you understand the question," and you said "Yes."

Now, when you said "Yes," what did you mean?

The Witness: That I did.

Trial Examiner Lindsay: That you did what?

The Witness: Smelt liquor on her breath.

Q. (By Mr. Wingrove) Was this more than once?

A. I don't think so; once or twice, something like that. I wasn't around the office very much, in and out.

Q. Did you ever smell the odor of liquor in the office itself? A. I don't think so. [2906]

Q. Did you have a conversation with Mr. Glenn during the month of February, 1939, relative to Mrs. Dunn? A. (Pause)

Q. Relative to Mrs. Woodruff?

Mr. Mouritsen: I object to that upon the ground it is a double question, either one or the other.

Q. (By Mr. Wingrove) Relative to Mrs. Dunn?

(Testimony of James William Woodruff.)

A. I don't recall if I had one with regard to her.

Q. Did you have a conversation with Mr. Glenn at any time during the month of February relative to Mrs. Woodruff? A. Well——

Q. (Interrupting) Just answer yes or no, please. A. Yes.

Q. Where did the conversation take place?

A. In his office, the lower office.

Q. What do you mean——

A. (Interrupting) At the bank.

Q. In the bank building? A. Yes.

Q. And when was it? About what time of the month?

A. I can't tell you just exactly the date. I can't recall the date it was.

Q. Was it the early part of the month or the latter part of the month? [2907]

A. Well, it was in the latter part of the month.

Q. And who else if anyone was present besides yourself and Mr. Glenn? A. No one.

Q. Will you kindly state the substance of the conversation that you had with Mr. Glenn and which he had with you at that time?

A. Well, I went to the office that morning to work. I had some trouble tags to clear those up——

Mr. Mouritsen (Interrupting): This is preliminary. Let us have the witness give the conversation that he is asked to give.

Trial Examiner Lindsay: Yes.

(Testimony of James William Woodruff.)

Q. (By Mr. Wingrove) Just state the conversation, what you told Mr. Glenn and what he told you.

A. I had three trouble tags I had to take care of and I went to the office. My wife was——

Mr. Mouritsen (Interrupting): I will object to this as——

Q. (By Mr. Wingrove) Is this what you told Mr. Glenn?

A. Yes, sir. I went to the office. I hadn't been there—my wife was crying. I asked her what was the matter. She said her and Mrs. Dunn had a misunderstanding, so I just went down to the office and asked Mr. Glenn, "My wife and Mrs. Dunn had a misunderstanding. I wish you would investigate and [2908] if my wife is in the wrong, discharge her."

Mr. Wingrove: You may examine.

Cross Examination

Q. (By Mr. McTernan) You are the husband of Mrs. Woodruff who is a telephone operator at the exchange, are you not?

A. Yes, sir, I am.

Q. Isn't it true that your wife took over the job as head operator when Mrs. Dunn was discharged?

A. Well—I presume so. She has been working there.

Q. Pardon?

A. She has been working there for a number of years.

(Testimony of James William Woodruff.)

Q. How long?

A. Well this time I think three years; this time.

Q. Now, I believe you testified on your direct examination that one morning some time ago you saw a bottle of port wine sitting on top of the refrigerator or ice box in the rear of the exchange.

A. Yes.

Q. Now, how long ago was that?

A. That was last year. I can't tell you the exact date.

Q. What part of last year?

A. Well, I presume June or July, something like that. I can't say definite.

Q. What kind of a bottle was it?

A. Black port. [2909]

Q. Pardon?

A. Black port; pint bottle.

Q. A pint bottle? A. Yes.

Q. Full? A. No.

Q. Was it full? A. No.

Q. You didn't know to whom it belonged when you saw it there, did you? A. No.

Q. Did you take a drink out of it?

A. No.

Q. Did you ever take a drink of port?

A. Yes, sir.

A. On numerous occasions?

A. How is that?

Q. On many occasions?

A. Not too many occasions.

(Testimony of James William Woodruff.)

Q. Well now, can't you be more definite than that?

Mr. Clark: I object, Mr. Examiner. The question is incompetent, irrelevant and immaterial and has nothing whatsoever to do with the case, whether he took a drink of port himself or whether he didn't.

Mr. McTernan: Mr. Examiner, it has been—I will restrict [2910] that question to taking a drink of port during working hours or just before working hours.

The Witness: I have taken a drink during working hours.

Q. (By Mr. McTernan) You have taken it during working hours? A. Yes.

Q. On more than one occasion?

A. Well, I have over a period of years, yes. I don't drink but very little.

Q. You are still working at the Exchange, are you not?

A. I am still there, yes.

Q. Anybody else around the Exchange ever take a drink of port during working hours?

A. I don't know. [2911]

Q. Now, at this time you testified you saw a bottle of Port in the operating room. Can you fix that time for us, when that was?

A. I can't definitely, no.

Q. Have you any idea?

A. Well, I couldn't state definitely what time

(Testimony of James William Woodruff.)

it was. I couldn't say whether it was one month or another. I never paid no particular attention to the time.

Q. I don't mean what time of day it was.

A. I mean the day of the month.

Q. How long ago was it with reference to today?

A. I don't know; maybe August, maybe September.

Q. Of what year? A. Last year.

Q. Last year.

You say that bottle was in a bag?

A. Sitting up underneath the counter.

Mr. McTernan: That is all.

Mr. Wingrove: Just a moment, Mr. Woodruff, please.

Redirect Examination

Q. (By Mr. Wingrove) You testified on cross examination, I believe, that your wife had been employed at the Telephone Exchange three years this last time?

A. Three or four. I wouldn't say definite how many years.

Q. Had she worked for the Exchange prior to the last three [2912] year period?

A. Yes.

Q. When was that?

A. '27, I believe; '26 or '27.

Q. And how long did she work for the Telephone Company at that time?

(Testimony of James William Woodruff.)

A. I can't tell you exactly. I think it was either three or four years, maybe longer.

Q. Now, you testified on cross examination that when you saw this bottle of wine back, I believe, on the ice box, you didn't know who it belonged to, correct?

A. No, I couldn't say definitely right at that time who it belonged to.

Q. Did you later find out who it belonged to?

A. Not until I talked to Mrs. Dunn. She said it was hers.

Mr. Wingrove: No further questions.

Mr. Mouritsen: That is all.

Trial Examiner Lindsay: I have just one or two.

Q. (By Trial Examiner Lindsay) Did you ever see Mrs. Dunn take a drink while she was on duty?

A. At times.

Q. Did you ever see her actually drink?

A. Yes, that particular morning. She had been to the doctor and she hadn't had nothing to eat for a couple of days, couldn't have solid food on her stomach, and she said that was the [2913] doctor's prescription; prescribed by the doctor.

Q. Well, what did you think about that at that time? A. I didn't—

Mr. Clark (Interrupting) May I have that question?

(The record referred to was read by the reporter, as set forth above.)

(Testimony of James William Woodruff.)

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial, and calls for a conclusion of the witness.

Trial Examiner Lindsay: I would like to know whether he made a complaint about it or not. That is all I am talking about.

Mr. Clark: I will still submit the objection, Mr. Examiner.

Trial Examiner Lindsay: All right.

Q. Did you make any complaint?

A. I did not. It wasn't any of my business.

Q. And how many times have you taken a drink while you were on the job?

A. If I happened to be down town—not too many times—when you have to climb a pole, you let it alone or you don't do it very long.

Q. What kind of a drink did you take while you were on duty?

Mr. Clark: Objected to that on the ground it is incompetent, irrelevant and immaterial, Mr. Examiner. This man has testified [2914] that he wasn't discharged.

Trial Examiner Lindsay: He may answer.

Mr. Clark: His job isn't comparable to this woman's.

Trial Examiner Lindsay: He may answer.

The Witness: How many?

Q. (By Trial Examiner Lindsay) What kind of a drink did you take while you were on duty?

A. Well, if it is winter, sometimes I take a glass of Port.

Trial Examiner Lindsay That is all.

(Witness excused.)

Mr. Clark: The Respondents rest, Mr. Examiner.

I would like to make a couple of motions to strike, for the record. I think if it is time for the afternoon recess, Mr. Examiner, perhaps we can save time by taking it, and I could locate the testimony I wish to move to strike.

Trial Examiner Lindsay: All right. Will ten minutes be long enough?

Mr. Clark: Yes, indeed.

Trial Examiner Lindsay: A ten minute recess.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Now, the Official Reporter—one of them—has just informed me that you gentlemen have some corrections as to mis-spelled names, words, and so forth in the record. I suggest [2915] that counsel for the various parties and the Board get together and agree upon those questions, if you can, and then the stipulation of the corrected list of corrections be sent to the official court reporters, and he will make them a part of the record.

Now, if there is any other suggestion that counsel have regarding that, I am willing to hear it.

[2916]

Mr. Clark: Mr. Examiner, Mr. McTernan and Mr. Painter of my office are outside now trying to get together on these corrections. They tell us it will take them another half an hour.

We have some other matters to attend to here. There is another exhibit which Mr. Mouritsen wishes to offer in behalf of the Board which might entail some discussion, so I suggest that after we get through with everything that we can accomplish here that very probably the hearing should be kept open until we find out whether Mr. McTernan and Mr. Painter can agree on these corrections, and if there are any of them that they can't agree on, it may be necessary for us, of course, to make a further showing.

That only involves a delay of some half an hour or forty-five minutes.

Trial Examiner Lindsay: I assure you the hearing will not be closed until I am sure everything is correct.

Mr. Clark: Now, in connection with the close of the respondents' case, Mr. Examiner, I at this time move to strike from the record all of the testimony appearing at page 2283, line 8, to page 2286, line 6, the motion in that respect being made in behalf of all respondents, upon the ground that the statements referred to in this testimony are hearsay as to all respondents and not binding upon any of them in that there has been no connection in this case between [2917] Mr. Harry Lee Martin,

to whom the statements are attributed in the testimony, and any of the respondents.

And in that connection I will call your Honor's attention to the fact that this testimony is that of Mr. Botts while on the stand concerning what statements were made by a Mr. Harry Lee Martin at the barbecue of January 30th of this year. And in that connection your Honor will also undoubtedly remember that Mr. Mouritsen promised to connect it up, and that he would consent to a motion to strike unless it was connected.

Now, I suggest that a ruling be reserved on that until the exhibit is offered in rebuttal which counsel relies upon to establish that connection.

Also, for the record——

Trial Examiner Lindsay (Interrupting): Well, I will reserve the ruling, but not on the basis of your statement.

Mr. Clark: Very well.

Also, for the record, Mr. Examiner, we move to strike at this time on behalf of the respondent Corcoran Telephone Exchange all of the testimony adduced on behalf of the Board purportedly in support of the complaint against the Corcoran Telephone Exchange upon the ground that the Board has no jurisdiction over that business or corporation in that it has not been shown that it is engaged in interstate commerce, nor that the conduct of the business in any manner affects inter-[2918] state commerce; and upon the further

ground that there has been no showing in this case that Mrs. Dunn is a person who ever joined a labor organization or assisted one or in any manner attempted to assist one and that, therefore, she is not a person to whom the rights referred to in the Section 7 of the National Labor Relations Act are secured by that statute; and I refer particularly in that connection to Section 7 of the Act and Section 8(1).

Trial Examiner Lindsay: Do you wish to make any reply?

Mr. Mouritsen: Mr. Examiner, only in this respect: That the particular sections under which—upon which the complaint in this matter is based are not only Section 7 and Section 8(1), but Sections 8(3) and 8(4) of the Act.

Trial Examiner Lindsay: Well, I will take that under advisement.

Mr. Clark: Very well. That completes the respondents' showing.

Mr. Mouritsen: Mr. Clark, will it be stipulated that if Mr. Sayre, S-a-y-r-e, circulation manager of the Fresno Bee, were called, that he would testify that the paper of which Board's Exhibit 29 for identification is a part was circulated in Corcoran and vicinity on January 30, 1939?

Mr. Clark: So stipulated.

Mr. Mouritsen: At this time, Mr. Examiner, I offer as Board's Exhibit 29 the document——

[2919]

Mr. Clark (Interrupting): Now, may I just

add one thing to that? The condition of that stipulation, of course, Mr. Mouritsen, is the reciprocal one we discussed concerning some blurred language on that page which the photostat hasn't caught clearly?

Mr. Mouritsen: Yes.

Mr. Clark: Very well.

Mr. Mouritsen: I will offer as Board's Exhibit No. 29 the document that has been marked Board's Exhibit 29 for identification, and I restrict my offer, Mr. Examiner, to that article appearing in Board's 29 for identification which is headed "Farm Group Plans Kings Drive." [2920]

Mr. Clark: To which we object, Mr. Examiner, on the ground it is hearsay, not binding on any of the Respondents in this proceeding in that there has been no connection shown whatsoever between the publication of that article and any of the Respondents, and particularly the Associated Farmers of Kings County, the point being unless there is a connection shown between the persons responsible for the publication of the article and the article, why, I submit that no one can be bound by it. A newspaper can publish anything.

Trial Examiner Lindsay: Board's Exhibit 29 is received in evidence.

(Thereupon, the document above referred to was received in evidence and marked as Board's Exhibit No. 29.)

Mr. Clark: Now, the reciprocal stipulation that I referred to a moment ago is this, Mr. Examiner:

While it is true that the photostat to which I stipulated the other day as being a correct copy of this page of the paper correctly sets forth the article offered, there is a further article on the left-hand column of this page of the paper which is not wholly copied in the photostat. In other words, the edge of the paper is curled up, and Mr. Mouritsen is willing to stipulate with me that a part of this article in the left-hand column on this page reads as follows, simply in connection with my agreement that this is a correct photostatic copy, and not in any manner offering it in evidence:

[2921]

Mr. Mouritsen (Interrupting): Before that is offered, I will object to the reading into the record of anything on this page except the article to which I specifically restricted my offer.

Mr. Clark: Just a minute. I am not reading this into the record. We are only trying to get in the record what this paragraph says in connection with the former stipulation.

Trial Examiner Lindsay: Off the record a moment.

(Discussion outside the record.)

Trial Examiner Lindsay: On the record.

Let the record show that Mr. Clark may read into the record that stipulated part of Board's Exhibit 29, and the part which he is reading in the record is in no way a part of the record and not to be considered; and that the stipulation so

entered into by and between Mr. Mouritsen and Mr. Clark is not binding upon me.

Mr. Clark: Right, and that I haven't offered this portion of the paper in evidence, and that Mr. Mouritsen is objecting to its being considered in evidence, but he is agreeable with me that the document reads as follows:

Correct?

Mr. Mouritsen: And by the stipulation, I do not waive my objection to the reading into the record or a consideration of that article as part of the Exhibit.

Mr. Clark: Certainly. We understand that.

[2922]

Here is how it reads: "J. B. Boyett"—it is in the article on the left-hand column of the paper which is entitled "Union Pickets Quit as Farmer Group Assembles," and the part I am interested in having clearly appear is as follows:

"J. B. Boyett, president of the Kings County Associated Farmers, denied that organization sponsored the farmers' action, though he admitted some of the farmers who took part belong to the organization."

Do you have any further rebuttal?

Mr. Mouritsen: Nothing further.

Mr. Clark: I would like to call one witness, Mr. Examiner, restricted only to this publication which now has just come in evidence.

Trial Examiner Lindsay: All right.

Mr. Clark: Mr. Botts.

HAROLD E. BOTTS

recalled to the stand by and on behalf of the Respondent, Associated Farmers of Kings County, Inc., in surrebuttal, having been previously duly sworn, was further examined and testified as follows:

Direct Examination

Q. (By Mr. Clark) Mr. Botts, I show you again a photostatic copy of a page from the Fresno Bee dated Monday evening, January 30th, 1939, which has been admitted as Board's Exhibit 29.
[2923]

Mr. Mouritsen: Twenty-nine.

Trial Examiner Lindsay: That is right.

Q. (By Mr. Clark): In this case, and I direct your attention particularly to a small article in the 6th column on the left-hand side of this page entitled "Farm Group Plans Kings Drive."

I will ask you, Mr. Botts, whether on any occasion whatsoever prior to the time you testified—first testified in this proceeding you had seen that article?

A. (Examining document): I never saw this article until shown to me by Mr. Mouritsen on the stand.

Q. And was that while you were on the stand in this proceeding? A. Yes, sir.

Mr. Clark: That is all. [2924]

Cross Examination

Q. (By Mr. Mouritsen): Are you certain of

(Testimony of Harold E. Botts.)

that statement, Mr. Botts? A. Absolutely.

Q. Now, as a matter of fact didn't Mr. Painter show you that article on Sunday or Saturday prior to the time I showed it to you on Monday on the stand? A. No, sir.

Q. You are positive of that?

A. I never saw that article in the Fresno Bee, or a photostat of it, until presented by you to me.

Q. Now, my question is not whether you saw the photostat of it.

Didn't you see that article on Saturday or Sunday before I showed it to you on Monday, the last time you were on the stand?

A. I never saw the article. I knew the contents of it.

Q. Didn't you see a copy of that made by Mr. Painter before I showed you the photostat on the stand?

A. (Nodding head affirmatively.)

Mr. Clark: The question is whether he saw the article.

The Witness: I saw the copy made by Mr. Painter in Fresno.

Mr. Mouritsen: That is all. [2925]

Redirect Examination

Q. (By Mr. Clark) In other words, Mr. Botts, am I correct in stating that on the Sunday prior to the Monday upon which you testified in this case you saw—there was shown to you by Mr. Painter of my office simply a longhand copy of what he told you was in this paper? A. That is correct.

(Testimony of Harold E. Botts.)

Q. Now, prior to that time had you any knowledge whatsoever of that article appearing in the Fresno Bee?

A. I had no knowledge, and I had never seen it.

Mr. Clark: Very well. That is all.

Mr. Mouritsen: Nothing further.

Trial Examiner Lindsay: That is all.

(Witness excused.)

Mr. Clark: That is all, Mr. Examiner, entirely, except this stipulation out here.

Trial Examiner Lindsay: Yes, I understand.

Well, let it be understood that counsel for the respondent and counsel for the Board if they so desire are entitled to an oral argument before the Trial Examiner, not of record, and that any time within ten days from the receipt of the Trial Examiner's intermediate report, any aggrieved party may make application to the National Labor Relations Board in the Shoreham Building at Washington, D. C., for the privilege [2926] of oral argument before the Board, and exceptions may be filed with the National Labor Relations Board to the intermediate report.

The parties are also entitled to file briefs with the Trial Examiner within a period of ten days from the date of the receipt of the intermediate report, and in sending in that brief, send four copies.

Now, the brief may be sent, if such is sent, to me at Washington, D. C., and if I am not there, it will be forwarded to me for consideration.

Now, on the question of oral argument, if you wish to waive that, of course, that is your privilege, and except for the correction of the record, for which we will hold the hearing open for a short period, that is all.

Mr. Clark: I will state for the record, Mr. Examiner, we don't wish to argue the matter at this time on behalf of the respondents.

Mr. Mouritsen: Nor do we on behalf of the Board, Mr. Examiner.

Mr. Clark: That, however, is not intended to in any way affect our right to apply to the Commission to argue it before the Board in Washington.

Trial Examiner Lindsay: No. I so stated that you may file a petition with the Board for oral argument there, but naturally that comes after the intermediate report is served. [2927]

Mr. Clark: Yes, I understand.

Trial Examiner Lindsay: Now, we will take a short recess.

(At this point a short recess was taken, after which the hearing proceeded as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Painter: Mr. Examiner, I would like to call your attention to a portion of the record at page 2210, at line 6, which I believe is an error. However,

to explain the context, I will read back a few lines so you can see what we are talking about. This occurred in the testimony of Mr. Bell relating to this meeting with Mr. Slaybough on the Guernsey Road.

Here is the way it is reported:

“Q. What, in substance, was said?

“A. When Brice drove back it was raining and he left his window of his car down a little bit. He looked in. He said, ‘Hellow, there.’

“We talked. ‘I thought maybe you fellows out here was kind of watching the corners. You had quite a time down there this morning.’”

Now it is my recollection that he said, “They had quite a time down there this morning” instead of “You had quite a time down there this morning.”

You will perhaps recall that the answer was read back [2928] at the request of Mr. Mouritsen and that was still my recollection from having it read back.

Now if there is any question about it, I would like to have the reporter check his notes on that portion of the transcript.

I don’t know what the recollection of the attorneys for the Board is.

Mr. Mouritsen: Our recollection is that it is as reported in the transcript.

Trial Examiner Lindsay: And that was my recollection, but whatever the original notes of the official court reporter show will stand.

Mr. Painter: I am not sure, Mr. Examiner,

whether this matter was called to your attention or not. It is on page 2392 of the transcript, line 8. I will read the question which starts back at line 3.

“Then do I understand that after Mr. Riley, from what you had said, made the arrangements to have it brought down here and to pay for it himself, or rather to have it charged to his account, that the Association then paid for it with that check, which is Board’s Exhibit 31.

“A. After it was offered to him on the basis of that.”

Now it is my understanding and my recollection that it was after it was offered to them on the basis of that. It seems to me that was brought to your attention. [2929]

Mr. Mouritsen: That was discussed before.

Trial Examiner Lindsay: And it was corrected as it now is.

Mr. Painter: If the reporter has not already checked his notes, I would like to request that a check of the notes be made on that point, too. [2930]

Then there was another matter at page 24—

(Discussion outside the record.)

Mr. Painter: Then there is another piece of testimony that I would like to call to your Honor’s attention at page 2450, line 22. This matter was called to your Honor’s attention at the commencement of the hearing, I think, two days ago, and no agreement was reached except that the reporter would check his notes on this, and it has never been

taken up since. It related to the testimony of Mr. Louie Robinson regarding Al Chestnut who was employed by the Reclamation District.

If that hasn't been checked, I would like to have it checked. It was our contention that the word "them" was used in that line instead of "him."

Now, there was one further one that was not agreed upon. That is at page 2476 at line 16. This is in the testimony of Mr. Louie Robinson and it is in reference to Board's Exhibit 24.

Commencing at line 15, it is reported as follows:

"When did you write the letter of Board's Exhibit 24?

"A. To the best of my recollection right after the noon of November 18th."

It is my recollection, and Mr. Clark's recollection, that whatever was said, it wasn't "Right after the noon," as is shown by the context of the following questions and answers. [2931]

I just want to call that to the Examiner's attention, and it may be he will have some recollection on it himself.

"Q. When was it? After lunch?

"A. I do not believe I could fix it more definitely. I would say my best recollection is about the middle of the afternoon.

"Q. What would that be, about 2:00 or 3:00 o'clock?

"A. About 2:00 or 3:00 o'clock."

As near as I can reconstruct what was actually said was, "To the best of my recollection in the

afternoon of November 18th," and then I definitely recall Mr. Mouritsen asking him for more specific time, at which time he placed it as about the middle of the afternoon.

Trial Examiner Lindsay: Well, the official court reporter may check his notes, and if his notes *and if his notes* show that the answer was given as it is in the record, it may remain.

Mr. Painter: As to the other corrections, we agree on quite a list of them, and if it is satisfactory with your Honor, we will give that list to the reporter. This is the stipulated list of corrections. I think it will save time, rather than going through them all at this time.

There is also one other matter to take up, and that is getting the photostatic copies of certain sheets from Board's Exhibit 3. We have a list here which I think includes all that [2932] we want, and all that has been requested by the Board's attorneys. It is my understanding that that will be given to the reporter, who will have photostatic copies made.

Mr. Mouritsen: We will check the list, Mr. Painter, and if there are any additional ones, we will make them and it will be an agreed list that is furnished to the reporter.

Trial Examiner Lindsay: The reporters are instructed to have the photostatic copies made of those particular sheets, and they will then become a part of the record, and Board's Exhibit 3, the original, may be returned to the Respondent, Boswell Company, by the reporters, after the photostatic copies have been substituted for the original.

Now, the list of corrections which has been stipulated upon, may be turned over to the reporter, and he may make them a part of the record.

(At this point, the stipulated list of corrections was read into the record, as follows:) [2933]

Page 4, Line 5, change "December" to "November."

Page 34, Line 15, add "Dunn" after Margaret A."

Page 35, Line 21, change "Where" to "Were."

Page 35, Line 24, change "original" to "regional."

Page 66, Line 4, change "on" to "in."

Page 80, Line 9, change "H. M." to "H. N."

Page 106, Line 5, change "charger" to "charter."

Page 113, Line 7, change "witness" to "local" immediately preceding the word "operated."

Page 155, Line 20, change "Frank's boy" to "Fat Boy."

Page 157, Line 8, change "that" to "of an."

Page 169, Line 22, change "Geddes" to "Gettys."

Page 213, Line 4, change "with me" to "with it."

Page 218, Line 1, change "gotten" to "cotton."

Page 218, Line 7, change "Geddes" to "Gettys."

Page 247, Line 1, change "something" to "such things."

Page 250, Line 12, change "ordered" to "accorded."

Page 305, Line 23, change by omitting the word "seed."

Page 321, Line 3, change "had had" to "he had."

Page 323, Line 21, change "card" to "car."

Page 344, Line 8, insert "ask" after "likewise."

Page 372, Line 25, change "Boswell" to "Robinson."

Page 375, Line 24, omit "that" before "the."

Page 376, Line 15, omit "you" after word "that."

Page 392, Line 21, change "charged" to "chartered." [2934]

Page 394, Line 13, change "charged" to "chartered."

Page 397, Line 11, change "invocations" to "invitations."

Page 400, Line 4, change "now" to "not."

Page 411, Line 8, change "admission" to "objection."

Page 413, Line 21, change "trade" to "pay."

Page 571, Line 22, change "gind" to "gins."

Page 644, Line 14, add "but" after "all."

Page 589, Line 18, change "May" to "November."

Page 570, Line 20, change "Nice" to "night."

Page 648, Line 4, change "discussion" to "discussing."

Page 677, Line 12, change "Marrked" to "married."

Page 689, Line 19, change "direct" to "directed."

Page 697, Line 3, change "receiving" to "receive."

Page 713, Line 20, change "6th" to "13th."

Page 773, Line 8, change "state" to "take."

Page 776, Line 10, change "which" to "with."

Page 787, Line 25, change "5th" to "1st."

Page 792, Line 15, change "is" to "has."

Page 792, Line 19, change "20th" to "12th."

Page 846, Line 25, change "discharged" to "dismissed."

Page 898, Line 9, change "a permit" to "the plant."

Page 899, Line 11, add "off" after "laid."

Page 940, Line 25, change "1937 to 1938" to "1938 to 1939."

Page 980, Line 4, change "morning" to "moment."

Page 1033, Line 1, change "November" to "December." [2935]

Page 1128, Line 1, change "Lorin" to "Lawrence."

Page 1137, Line 4, change "effect" to "defect."

Page 1140, Line 10, change "Farr" to "Prior."

Page 1140, Line 14, change "Martin" to "Robinson."

Page 1192, Line 21, change "manager" to "man."

Page 1292, Line 11, change "account of" to "the ground."

Page 1392, Line 17, change "assets" to "assessment."

Page 1501, Line 8, change "farmers" to "members."

Page 1526, Line 20, add "know."

Page 1563, Line 22, change "principle" to "statements."

Page 1652, Line 17, change "an excellent" to "the equine."

Page 1654, Line 16, change "the party" to "departing."

Page 1728, Line 1, change "properly" to "popularly."

Page 1732, Line 1, change "what" to "which."

Page 1741, Line 14, remove comma after "16."

Page 1841, Line 17, change "Gegnar" to "Deganan."

Page 1844, Line 18, change "Gegnar" to "Deganan."

Page 1858, Line 23, change "cross" to "direct."

Page 1911, Line 15, change "named" to "names."

Page 1924, Line 14, change "company" to "association."

Page 1965, Line 18, change "hew" to "new."

Page 1972, Line 24, change "W. Winslow" to "B. Winslow."

Page 2186, Line 22, change "B. C." to "V. C."

Page 2206, Line 18, change "Craig" to "Slaybough."

Page 2282, Line 20, omit "hearing" and add "hearsay," after "this." [2936]

Page 2475, Line 2, change "Dodd" to "did."

Page 2475, Line 7, omit "out."

Page 2755, Line 10, change "applied" to "apply."

Change "O. O. Hastings" to "O. O. Hastin" wherever same occurs in transcript.

Trial Examiner Lindsay: Anything else?

Mr. Painter: I think that is all.

Mr. Mouritsen: That is all for the Board.

Trial Examiner Lindsay: The hearing is closed.

(Whereupon, at 5:00 o'clock p. m., Friday, June 16, 1939, the hearing in the above-entitled matter was closed.) [2937]

[Endorsed]: No. 10148. United States Circuit Court of Appeals for the Ninth Circuit. National Labor Relations Board, Petitioner, vs. J. G. Boswell Company and Corcoran Telephone Exchange, Respondents. Transcript of Record. Upon Petition for Enforcement of an Order of the National Labor Relations Board.

Filed May 27, 1942.

PAUL P. O'BRIEN,
Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

In the United States Circuit Court of Appeals
for the Ninth Circuit.

No. 10148

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

vs.

J. G. BOSWELL COMPANY and CORCORAN
TELEPHONE EXCHANGE,
Respondents.

STATEMENT OF POINTS TO BE RELIED
UPON

Pursuant to Section 6 of Rule 19 of the Court, the National Labor Relations Board, by its Associate General Counsel, hereby submits the following statement on which it intends to rely upon in the above-entitled matter:

I.

The National Labor Relations Act is applicable to the Respondents.

II.

The Board's findings are supported by substantial evidence. Upon the facts so found, respondents have engaged in and are engaged in unfair labor practices within the meaning of Section 8 (1), (2) and (3) of the Act.

III.

The Board's order is wholly valid and proper under the Act.

Dated at Washington, D. C., this 22nd day of
May 1942.

ERNEST A. GROSS,
Associate General Counsel,
National Labor Relations
Board.

[Endorsed]: Filed May 27, 1942.

